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ACTS

OF A

GENERAL NATURE,

PASSED BY THE

LEGISLATURE OF WISCONSIN,

IN THE YEAR 1865,

TOGETHER WITH

JOINT RESOLUTIONS AND MEMORIALS.

PUBLISHED BY AUTHORITY.

MADISON, WIS.:
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1865.

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LIST OF MEMBERS AND OFFICERS.

"SECTION. 1. * * * There shall be perfixed to each volume of the laws, hereafter published, the names and residences of the several state officers, the senators and members of the assembly, and the presiding officers and clerks of both branches of the legislature, at the time of the passage of such laws."—*General laws of* 1854, *chapter* 94.

NAMES AND RESIDENCES

Of the state officers, senators, members of the assembly, presiding officers and clerks of both branches of the legislature, in office at the time of the passage of the laws contained in this volume.

NAME.	OFFICE.	RESIDENCE.	
		Postoffice.	*County.*
James T. Lewis,	Governor,	Columbus,	Columbia.
Wyman Spooner,	Lieut. governor,	Elkhorn,	Walworth.
Frank H Firmin,	Private sec'y governor,	Fitchburg,	Dane.
Lucius Fairchild,	Secretary of state,	Madison,	Dane.
Eli A. Spencer,	Ass't sec'y of state,	Sun Prairie,	Dane.
Samuel D. Hastings,	State treasurer,	Trempealeau,	Trempeale'u
Chauncey H. Purple,	Ass't state treasurer,	Waukesha,	Waukesha.
Winfield Smith,	Attorney general,	Milwaukee,	Milwaukee.
Emil Wallber,	Ass't attorney general,	Milwaukee,	Milwaukee.
John G. McMynn,	State superintendent,	Racine,	Racine.
A. J. Craig,	Ass't state superinten't,	Palmyra,	Jefferson.
William H. Ramsey,	Bank comptroller,	Ozaukee	Ozaukee.
S. A. White,	Bank register,	Whitewater,	Walworth.
Charles G. Meyer,	Ass't bank register,	Fredonia,	Ozaukee.
Henry Cordier,	State prison commis'r,	Waupun,	Dodge.
O. M. Conover,	State librarian,	Madison,	Dane.
Nathaniel Sawyer,	Sup't public property,	Shopiere,	Rock.
John A. Bently,	Senator,	Sheboygan,	Sheboygan.
Fred. S. Ellis,	do	Green Bay,	Brown.
L. Morgan,	do	Ozaukee,	Ozaukee.
F. O. Thorp,	do	West Bend,	Washington
W. K. Wilson,	do	Milwaukee,	Milwaukee.
Hugh P. Reynolds,	do	Milwaukee,	Milwaukee.
J. I. Case,	do	Racine,	Racine.
Anthony VanWyck	do	Kenosha,	Kenosha.
Henry G. Webb,	do	Wautoma,	Waushara.
William Blair,	do	Waukesha,	Waukesha.
Willard H. Chandler,	do	Windsor,	Dane.

Name.	Office.	Residence.	
		Postoffice.	*County.*
N. M. Littlejohn,	Senator,	Whitewater,	Walworth.
Samuel Cole,	do	Gratiot,	La Fayette.
Smith S. Wilkinson,	do	Prairie du Sac,	Sauk.
W. L. Lincoln,	do	Avoca,	Iowa.
Milas K. Young,	do	Glen Haven,	Grant.
Wm. A. Lawrence,	do	Janesville,	Rock.
Wm. E. Smith,	do	Fox Lake,	Dodge.
George Reed,	do	Manitowoc,	Manitowoc.
Geo. F. Wheeler,	do	Nanaupa,	Fond du Lac
Geo. S. Barnum,	do	Waukau,	Winnebago.
Joseph Harris,	do	Sturgeon Bay,	Door.
S. W. Budleng,	do	Waterloo,	Jefferson.
Walter S. Wescott,	do	Monroe,	Green.
Jonathan Bowman,	do	Kilbourn City,	Columbia.
Thomas Hood,	do	Madison,	Dane.
M. H. Sessions,	do	Waupaca,	Waupaca.
A. H. Young,	do	Prescott,	Pierce.
G. De Witt Elwood,	do	Princeton	Green Lake.
Wm. Ketchum,	do	Richland City,	Richland.
John A. Chandler,	do	Sparta,	Monroe.
Carl C. Pope,	do	Black River Falls	Jackson.
Satterlee Clark,	do	Horicon,	Dodge.
Field, W. W., speaker,	Member of assembly,	Boscobel,	Grant.
Abrams, W. J.	do	Green Bay,	Brown.
Babcock, Oscar	do	Dakota,	Waushara.
Barden, Levi W.	do	Portage City,	Columbia.
Berry, James	do	Springville,	Vernon.
Bonniwell, Wm. T. Jr.	do	Cedarburg,	Ozaukee.
Boyce, A. A.	do	Lodi,	Columbia.
Boyd, Thomas	do	Calumet,	Fond du Lac
Brandon, William	do	Smelser's Grove,	Grant.
Brayton, Lorentus J.	do	Marquette,	Green Lake.
Brinkerhoff, J. H.	do	Waupun,	Fond du Lac
Burgess, John	do	Maxville,	Buffalo.
Cadby, J. N.	do	Merton,	Waukesha.
Carr, Solomon C	do	West Milton,	Rock.
Cassoday, John B.	do	Janesville,	Rock.
Church, F. R.	do	Menomonee,	Dunn.
Cobb, Nathan	do	Neenah,	Winnebago.
Colladay, Wm. M.	do	Stoughton,	Dane.
Daggett, Charles B.	do	Two Rivers,	Manitowoc.
Davis, De Witt	do	Milwaukee,	Milwaukee.
Davis, Thomas	do	Millard,	Walworth.
Delaney, M. L.	do	Barton,	Washington
Dewhurst, Richard,	do	Neilsville,	Clark.
Doud, Reuben	do	Weyauwega,	Waupaca.
Dunwiddie, David	do	Brodhead,	Green.
Eaton, H. L.	do	Lone Rock,	Richland.
Emmons, N. H.	do	Stevens Point,	Portage.
Fay, R. K.	do	Roche a Cree,	Adams.
Ford, David	do	Leicester,	Dane.

Name.	Office.	Residence.	
		Postoffice.	*County.*
Forsyth, Wm. P.	Member of assembly,	Golden Lake,	Jefferson.
Fowler, Henry	do	Milwaukee,	Milwaukee.
Franckenberg, Ernest	do	Newburg,	Washington
Frary, J. S.	do	Oregon,	Dane.
Fulton, M. A.	do	Hudson,	St. Croix.
Gilbert, Myron	do	Prospect Hill,	Waukesha.
Glenn, Robert	do	Wyalusing,	Grant.
Gnewuch, Ferdinand	do	Hustisford,	Dodge.
Goodsell, E. B.	do	Highland,	Iowa.
Groesbeck, B. F.	do	Tirade,	Walworth.
Hadley, Jackson	do	Milwaukee,	Milwaukee.
Hand, J. F.	do	Rocky Run,	Columbia.
Harker, James	do	New Diggins,	La Fayette.
Horton, T. N.	do	West Salem,	La Crosse.
Johnson, Daniel	do	Evansville,	Rock.
Jones, Oscar F.	do	Juneau,	Dodge.
* Judd, Stoddard	do	Fox Lake,	Dodge.
King, E. P.	do	Beloit,	Rock.
Knab, David	do	Milwaukee,	Milwaukee.
Knapp, Wm. A.	do	Oshkosh,	Winnebago.
Large, Jonathan	do	Oakfield,	Fond du Lac
Little, Francis	do	Mineral Point,	Iowa.
Lowth, M. F.	do	Beaver Dam,	Dodge.
McGrath, James	do	Milwaukee,	Milwaukee.
McGuire, J. M.	do	Danville,	Dodge.
McLaughlin, W. W.	do	Brooklyn,	Green.
McLean, Hector	do	Stockbridge,	Calumet.
McRaith, M. J.	do	Grand Rapids,	Wood.
Miner, E. S.	do	Neeedah,	Juneau.
Monteith, J. B.	do	Genesee,	Waukesha.
Mowe, Daniel	do	Oxfordville,	Rock.
Mulholland, Henry	do	Meeme,	Manitowoc.
Murphy, Michael	do	Maple Grove,	Manitowoc.
Oberman, Jacob	do	Milwaukee,	Milwaukee.
Officer, William H.	do	Springville,	Vernon.
Osborn, S. W.	do	Darlington,	La Fayette.
Owen, William	do	Cambria,	Columbia.
Palmer, William	do	Loganville,	Sauk.
Pease, S. A.	do	Montello,	Marquette.
Peters, Peter	do	Rubicon,	Dodge.
Pike, Alanson	do	Whitewater,	Walworth.
Piper, Jonathan	do	Ixonia Center,	Jefferson.
Reed, D. A.	do	Sturgeon Bay,	Door.
Rogers, Chas.	do	Hingham,	Sheboygan.
Ross, James	do	Madison,	Dane.
Ryan, Sam., Jr.	do	Appleton,	Outagamie.
Salisbury, E. C.	do	Union Grove,	Racine.
Sawyer, James	do	Fond du Lac,	Fond du Lac
Simmons, William	do	Nekimi,	Winnebago.
Simmons, Z. G.	do	Kenosha,	Kenosha.
Slade, Edwin	do	Glenbeulah,	Sheboygan.

*Elected to fill vacancy occasioned by death of J. M. McGuire.

Name.	Office.	Residence.	
		Postoffice	*County.*
Spoer, Gardner	Member of assembly,	Aztalan,	Jefferson.
Starks, A. W	do	Baraboo,	Sauk.
Stuntz, Albert C	do	Bayfield,	La Pointe.
Tarr, J. M	do	Tunnel City,	Monroe.
Taylor, Allen	do	Dickeyville,	Grant.
Tilton, H. C	do	Allen's Grove,	Walworth.
Thomas, O. B	do	Prairie du Chien	Crawford.
Thompson, Jared, Jr	do	Milwaukee,	Milwaukee.
Utt, Henry	do	Platteville,	Grant.
Van Ostrand, D. C	do	Fond du Lac,	Fond du Lac
Vaughan, John	do	Racine,	Racine.
Walker, Lyman	do	Kewaunee,	Kewaunee.
Wage, F. A	do	Waterford,	Racine.
Weaver, Thomas	do	Pewaukee,	Waukesha.
Wedig, Joseph	do	Sheboygan,	Sheboygan.
Weiler, John W	do	Root Creek,	Milwaukee.
Whipple, Cephas	do	Sheboygan Falls,	Sheboygan.
White, Richard	do	Lamberton,	Milwaukee.
Williams, George C	do	Hartford,	Washington
Winsor, H. S	do	Elkhorn,	Walworth.
Wooster, H. S	do	Clinton,	Rock.
Wyman Spooner,	Lt. gov. and pres't sen,	Elkhorn,	Walworth.
William W. Field,	Speaker of assembly,	Boscobel,	Grant.
Frank M. Stewart,	Chief clerk of senate,	Baraboo,	Sauk.
L. P. Hills,	Ass't clerk senate,	Waupun,	Fond du Lac
John S. Dean,	Chief clerk assembly,	Madison,	Dane.
E. W. Young,	Ass't clerk assembly,	Prairie du Sac,	Sauk.

NOTE.—Where a superfluous word has been found in the enrolled bill, it has been printed in the text, but in italics, and inclosed in parenthsis, (*thus.*) Where a word has been found necessary to sustain the sense of the context, or where one word has been obviously mistaken for another, the word supposed to be proper has been supplied, but in brackets, [thus.]

GENERAL LAWS.

CHAPTER 1.

[*Published January* 21, 1865.]

AN ACT to change the name of the Mutual life insurance company of the state of Wisconsin.

(*See supplement to local laws.*)

CHAPTER 2.

[*Published January* 27, 1865.]

AN ACT to authorize the common council of the city of La Crosse to make an appropriation to pay bounties to volunteers, and to levy and collect a tax for that purpose.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. The common council of the city of La Crosse is hereby authorized and empowered to appropriate and pay out of any money in the treasury of said city, belonging to said city of La Crosse, a sum of money not exceeding an amount equal to one per cent. on the valuation of the taxable property in said city, as assessed next preceding such appropriation, for the purpose of paying bounties to volunteers hereafter enlisted and mustered into the military service of the United States, and credited to the quota of soldiers required by the United States of said city or of any ward thereof: *provided*, that in no case shall said common council, during any one fiscal year, make any such ap-

Council may appropriate money in treasury as bounties to volunteers.

Limit to appropriation.

propriation or appropriations exceeding in the aggregate an amount equal to one per cent. on the assessed valuation of the taxable property in said city: *provided, further*, that in no case shall such bounty so appropriated exceed two hundred dollars to any one volunteer.

Ibid. bounty.

Levy and collection of bounty tax.

SECTION 2. The common council of the city of La Crosse is hereby authorized and empowered to levy a tax upon the taxable property in said city, at the time of levying the annual taxes for general city purposes in said city, in addition to the amount now authorized by the charter of said city to be levied for general city purposes, for the purpose of raising such an amount as may be appropriated by said common council under and by virtue of the provisions of this act, which said tax shall be levied and collected in the same manner that other taxes are levied and collected in said city by law.

Repeal.

SECTION 3. All acts and parts of acts contravening the provisions of this act, are, for the purposes of this act only, hereby repealed.

SECTION 4. This act shall take effect and be in force from and after its passage.

Approved January 23, 1865.

CHAPTER 3.

[*Published January* 27, 1865.]

AN ACT to authorise the supervisors of the town of Manitowoc Rapids, in the county of Manitowoc, to appropriate moneys to the benefit of families of men in the U. S. service.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Supervisors may appropriate money to families of volunteers, &c.

SECTION 1. That the supervisors of the town of Manitowoc Rapids, in the county of Manitowoc, be and they hereby are authorized and required to appropriate the moneys now in or which may hereafter come into the treasury of said town, from the special tax ordered to be levied and collected by the citizens of said town, on the twenty-ninth day of February, one thousand eight hundred and sixty-four, to the benefit of the families of volunteers, of drafted men, and of men who

have furnished substitutes which [who] have been accepted into the United States service, and been credited on the quota of said town, in such way and manner as was directed by vote of the citizens of said town at a special meeting held on the 10th day of October, one thousand eight hundred and sixty-four.

SECTION 2. That the said supervisors shall draw their orders on the treasurer of said town, in behalf of said families, respectively, and for such amounts, severally, as were directed by the citizens at said special town meeting; and it is hereby made the duty of said treasurer to pay such orders on presentation, out of the moneys in his hands so levied and collected by special tax as aforesaid. Payment of moneys appropriated.

SECTION 3. This act shall take effect and be in force from and after its passage.

Approved January 23, 1865.

CHAPTER 4.

[*Published January* 27, 1865.]

AN ACT to legalize the acts of a special town meeting held on the seventh day of January, A. D. 1865, in the town of Pulaski, Iowa county, Wisconsin, and authorizing the collection, forthwith, of the tax voted at such meeting.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. The special town meeting of the town of Pulaski, in Iowa county, held on the seventh day of January, A. D. 1865, for the purpose of raising a special tax to pay bounties to volunteers into the military service of the United States, is hereby declared legal and valid for all the intents and purposes for which the same was held; and all acts done in pursuance of the vote or votes of said meeting, by the officers of said town, or any of them, are hereby declared valid, the same as if the law had been fully complied with in conducting said meeting. Meeting legalized.

SECTION 2. All acts of the officers of said town, or either of them, in proceeding to the immediate collection of said tax, are hereby legalized and declared valid. Acts of officers legalized.

SECTION 3. This act shall take effect and be in force from and after its passage.

Approved January 23, 1865.

CHAPTER 5.

[*Published January* 27, 1865.]

AN ACT to authorize the town of Lebanon, in Dodge county, to collect a tax to pay bounties to volunteers.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Tax may be collected.

SECTION 1. The town officers of the town of Lebanon, in Dodge county, are hereby authorized to levy and collect upon the last assessment roll of said town, the amount of tax voted by the electors of said town, at a town meeting held in said town on the 9th day of January, 1865.

When to be collected.

Limit to bounties.

SECTION 2. Said tax shall be collected as soon as practicable, in the manner now provided by law: *provided*, it shall be so collected before the first Monday in March; *and provided*, the amount so raised shall not exceed the sum of two hundred dollars to be paid to each volunteer.

SECTION 3. This act shall take effect from and after its passage.

Approved January 25, 1865.

CHAPTER 6.

[*Published January* 27, 1865.]

AN ACT to authorize the city of Milwaukee to erect a school house in the third ward of said city.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Authority to erect school house.

SECTION 1. The common council of the city of Milwaukee are hereby authorized to cause to be erected a

new school house in the third ward of said city, upon the premises now occupied by the present school house, upon plans and specifications to be procured to be made by the comptroller of said city; such building to be erected at an expense not exceeding $20,000, and the contract for the erection thereof to be let to the lowest bidder, as other work is contracted to be done for said city, according to law. Limit to expense

SECTION 2. The common council of said city are hereby authorized to assess, levy and collect the amount to be expended in the erection of said new school house, not exceeding said sum of $20,000, in the same manner as other taxes are levied and collected in said city, and in addition to the amount authorized by law to be raised by taxation for general city purposes, and to include said amount in the tax lists of the year 1865. Levy and collection of tax therefor.

SECTION 3. This act shall take effect and be in full force after its passage and publication.

Approved January 25, 1865.

CHAPTER 7.

[*Published January* 28, 1865.]

AN ACT to incorporate the village of Princeton.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. All that district of country situate in the county of Green Lake, and embraced in the following boundaries, to wit: Beginning at the northeast corner of the southeast quarter of the northwest quarter of section number eighteen (18,) in township number sixteen (16) north, of range number twelve (12) east, and running thence west to the line between ranges eleven (11) and twelve (12;) thence north on said range line to the northeast corner of section number twenty-four (24,) in township number sixteen (16) north, of range number eleven (11) east; thence west to the northwest corner of the northeast quarter of the northwest quarter of said section twenty-four; thence south to the southwest corner of the northeast quarter Boundaries.

of the northwest quarter of section number twenty-five (25,) in township sixteen north, of range eleven (11) east; thence east to the line between ranges eleven and twelve; thence south on said range line to the southwest corner of the northwest quarter of section number nineteen, in township sixteen north, of range twelve east; thence east to the center of said section nineteen; thence north to the place of beginning, shall hereafter be known and designated as the village of Princeton; and the inhabitants residing or who may hereafter reside within the said boundaries, are hereby constituted a body corporate, by the name and style of the president and trustees of the village of Princeton, and by that name they and their successors shall and may have perpetual succession, and shall be capable of contracting and being contracted with, suing and being sued, impleading and being impleaded, answering and being answered unto, defending and being defended, in all courts and places, and in all matters whatsoever.

Name and powers.

First election, and officers to be elected.

SECTION 2. It shall be lawful for the inhabitants of said village, qualified to vote at any general election, to meet at the office of David M. Green, Esquire, in said village, on Monday, the 30th day of January, A. D. 1865, and to choose, *viva voce*, three judges of election and one clerk, and then to elect by ballot one president, who shall be *ex officio* a trustee, two trustees, one treasurer, one assessor, one clerk and one marshal, who shall hold their offices until the first Monday in April next, and until their successors are elected and qualified.

Annual meeting—election of officers.

SECTION 3. The annual meetings for the election of village officers, shall be held on the first Monday of April, in each year, at which meetings there shall be annually elected one president, (who shall be *ex officio* a trustee,) two trustees, one treasurer, one assessor, one clerk, one marshal, and two justices of the peace, who shall severally hold their offices for one year, and until their successors are elected and qualified. The clerk of said village shall give ten days' notice of the time and place of holding each annual election, by posting such notice in at least three conspicuous places in said village; and the trustees of said village, or any two of them, shall preside at the election, and act as inspectors of the same.

Notice of meeting.

Terms of present justices.

SECTION 4. The justices of the peace now holding

office in said village by virtue of a town election, shall continue in office until the first annual election, and until their successors are elected and qualified.

Qualification of officers.

SECTION 5. No person shall be eligible to any office in said village, unless he be an elector, and duly qualified to vote at a general election.

How elections to be conducted.

SECTION 6. At all elections held under the authority of this act, the polls shall be opened at ten o'clock A. M., and continued open until four o'clock P. M.: *provided*, the inspectors may adjourn at noon for one hour, and the elections shall be conducted and the votes canvassed and the result declared, as is now provided by law in relation to elections for town officers, as far as such law is applicable.

Vacancies—how filled.

SECTION 7. In case a vacancy shall occur in the office of president or trustee, such vacancy shall be filled at a special election to be called by the remaining trustee or trustees, and vacancies in all other offices, except justices of the peace, shall be filled by appointment by the trustees.

Treasurer to give bond.

SECTION 8. The board of trustees shall have power to require bonds to be given by the treasurer and marshal to the trustees, in such sum, with such conditions and with such security as said trustees or a majority of them shall direct, which bonds shall be filed with the village clerk; and a failure to give such bond shall work a forfeiture of office, and the said board may thereupon declare such office vacant, and fill the vacancy by appointment.

Duty of president.

SECTION 9. It shall be the duty of the president to preside at all meetings of the trustees, to see that all ordinances and laws are duly observed, and to prosecute or defend all suits in which said corporation is a party.

Powers of trustees.

SECTION 10. The board of trustees shall have all the powers which by chapter seventy of the revised statutes are vested in and conferred upon the trustees of villages which are created and organized under the provisions of said chapter, as far as the same is consistent with this act.

How bridge to be maintained.

SECTION 11. The bridge over Fox river, in said village, shall be maintained by the town of Princeton and the said village of Princeton, the expense to be divided between said town and village in proportion to the equalized value of the property in said town and village,

respectively, to be ascertained as far as practicable form their respective assessment rolls.

Joint meeting to audit accounts, make estimates, &c.

SECTION 12. The supervisors of the town of Princeton and the trustees of the village of Princeton, shall hold a meeting in each year, on the Wednesday next preceding the annual town meeting, at the office of the village clerk, for the purpose of auditing all accounts relating to the building, repairing and maintaining of said bridge for the previous year, and the amounts so audited and allowed shall be apportioned and divided between said town and village in proportion as aforesaid, and each shall pay its just proportion of such indebtedness; and at such joint meeting they shall estimate the amount necessary for the succeeding year for the building, repairing and maintaining of said bridge, which amount shall be likewise apportioned between the town and the village, and shall be levied and collected with the next taxes to be raised in said town and village, as other taxes are collected.

Notice of special joint meeting.

SECTION 13. It shall be the duty of the village clerk to call a special joint meeting of said supervisors and trustees whenever an application or request for such a meeting shall be presented to him in writing, signed by two-thirds of the members of such joint board. He shall give at least five days' notice to each member of such special meeting. At a special meeting of such joint board duly called, it shall be lawful to transact any business which might legally be done at the regular annual meeting, as above provided.

SECTION 14. This act shall be in force from and after its passage.

Approved January 26, 1865.

CHAPTER 8.

[*Published February* 8, 1865.]

AN ACT to legalize the tax roll of the town of La Grange, in the county of Walworth, for the year one thousand eight hundred and sixty-four.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. The tax roll of the town of La Grange, in the county of Walworth, for the year 1864, as made by the town clerk of said town, including all corrections made by said clerk after said tax roll was placed in the hands of the treasurer of said town, is hereby legalized and declared valid for all purposes whatsoever, notwithstanding the law may not have been fully complied with in all respects in making out and delivering the said tax roll to the treasurer of said town. Tax roll legalized.

SECTION 2. This act shall take effect and be in force from and after its passage.

Approved January 26, 1865.

CHAPTER 9.

[*Published January* 30, 1865.]

AN ACT to legalize certain acts of the officers of the towns of Buena Vista and Richland, in the county of Richland.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. All the acts and proceedings of the town officers of the towns of Buena Vista and Richland, in the county of Richland, in authorizing and proceeding to the immediate collection of a special tax authorized by a vote of the electors of each of said towns, for the purpose of procuring volunteers to be credited to said towns under the last call of the president of the United States for three hundred thousand men, at special town meetings called for that purpose, and held in the town of Buena Vista on the thirty-first Bounty tax proceedings legalized.

day of December, one thousand eight hundred and sixty-four, and in the said town of Richland on the second day of January, one thousand eight hundred and sixty-five, are hereby declared valid and legal for all purposes whatsoever.

Sale of lands for delinquent taxes.

SECTION 2. The county treasurer of the said county of Richland is hereby authorized and empowered to sell any lands upon which said special tax shall not be paid, when returned to his office, at the same time and in the same manner as is now provided by law for the sale of lands for the non-payment of taxes.

SECTION 3. This act shall take effect and be in force from and after its passage.

Approved January 26, 1865.

CHAPTER 10.

[*Published January* 30, 1865.]

AN ACT to legalize the acts of the supervisors of the town of Otsego, in the county of Columbia.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Acts of supervisors legalized.

SECTION 1. The acts of the supervisors of the town of Otsego, in the county of Columbia, in applying the sum of two hundred and seventeen dollars towards the bounty to volunteers, are hereby legalized and declared to be valid.

Orders may issue.

SECTION 2. The supervisors of said town are hereby authorized to issue orders amounting to two hundred and seventeen dollars and interest, to pay said indebtedness; said amount of money to be added to the next tax roll of the town, and collected as other money.

SECTION 3. This act shall take effect and be in force from and after its passage.

Approved January 27, 1865.

CHAPTER 11.

[*Published February* 8, 1865.]

AN ACT to legalize a special town meeting in the town of Norway, county of Racine, on the 8th day of February, 1864, to vote a tax to pay bounties to volunteers.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. The special town meeting of the town of Norway, in the county of Racine, held on the 8th day of February, 1864, for the purpose of voting to raise by tax, extra bounties to be paid to volunteers in the military service of the United States, and all votes, acts and resolves of said meeting, are hereby declared legal and valid for all intents and purposes for which said meeting was held, the same and as fully as if the said meeting had been called and conducted in all respects in accordance with the provisions of law then in force relating to that subject; and all acts done and town orders issued in pursuance of the vote of said meeting, by the officers of said town, or any of them, are hereby declared legal and valid. Town meeting and town orders legalized.

SECTION 2. This act shall take effect and be in force from and after its passage.

Approved February 2, 1865.

CHAPTER 12.

[*Published February* 8, 1865.]

AN ACT to legalize the proceedings of a certain town meeting held in the town of Williamstown, Dodge county, January 12th, 1865, and to legalize the bonds and orders issued by the officers of said town, to pay bounties to volunteers, and the tax roll for 1864.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. All the proceedings had prior to and at a certain town meeting held in the town of Williamstown, Dodge county, on the 12th day of January, 1865, and the tax voted to be raised to pay bounties to vol- Bounty tax proceedings legalized.

unteers and for the support of the families of drafted men of said town, are hereby declared to be legal and valid for all purposes whatever.

Bonds and town orders legalized.

SECTION 2. The bonds and town orders issued by the supervisors, signed by the chairman and attested by the clerk of said town, since the special town meeting held on the 8th day of August, 1864, and used for the purpose of paying bounties to volunteers for said town, and the acts of the officers in said town, in issuing and using the same for such purpose, and the tax roll of said town for the year 1864, are hereby declared to be legal and valid for all purposes whatever.

SECTION 3. This act shall take effect and be in force from and after its passage.

Approved February 1, 1865.

CHAPTER 13.

[*Published February 8, 1865.*]

AN ACT legalizing a state road in the counties of Grant and La Fayette.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Road legalized.

SECTION 1. That the acts of the commissioners in laying out a state road, as provided for in chapter 148 of the general laws of 1864, by an act entitled "an act to provide for the laying out a state road from Platteville, in Grant county, to Calamine, in La Fayette county," are hereby legalized, and the road as surveyed and platted by them, is declared a public highway; and the commissioners so acting shall be entitled to such compensation for their services as is provided for in said act; and that the clerks of the several boards of supervisors of the counties of Grant and La Fayette, through which said road was laid, shall, on or before the first day of March, A. D. 1865, record so much of the return of the survey and plat and field notes of said road as lies within their respective counties.

Plot and field notes to be recorded.

SECTION 2. This act shall take effect and be in force from and after its passage.

Approved February 1, 1865.

CHAPTER 14.

[*Published February* 2, 1865.]

AN ACT to authorize towns, cities and incorporated villages to raise money by tax for the payment of bounties to volunteers for the military service of the United States, and to provide for the levy and collection of the same.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Towns, cities and villages authorized to pay bounties to volunteers, and to those who have procured substitutes.

SECTION 1. The qualified electors of each town, city and incorporated village in this state, shall have power at any annual or special meeting thereof, to raise by tax such sum or sums of money as they may deem necessary to pay bounties to volunteers who may have enlisted or who shall hereafter enlist under the call of the president of the United States, of December 19th, 1864, for 300,000 men, and who shall hereafter enlist under any call of the president which may hereafter be made, and become credited to such town, city or village under such calls, and also to persons who shall procure substitutes for themselves before being drafted, and have them credited to such town, city or village upon its quota under any such call, and for the purpose of giving aid to the families of volunteers and drafted men in the service of the United States or of this state: *provided*, that no more than two hundred dollars shall be paid to any such volunteer or person furnishing a substitute, or to the family of any volunteer or drafted man, out of the money so raised.

Limit to bounties.

Petition for special meeti

SECTION 2. A special meeting may be held in any town, city or corporated village of this state, for the purpose or purposes mentioned in section one of this act, upon a written petition to the clerk thereof, signed by five or more qualified electors and freeholders of such town, city or incorporated village, which petition shall set forth the purpose or purposes for which said special meeting is asked by the petitioners, together with the amount of money sought to be appropriated or raised by tax at such meeting for said purposes; and it is hereby made the duty of every such clerk, upon presentation to him of such petition, to call a special meeting of the qualified electors of such town, city or village, by posting notices of the same in three or more public and conspicuous places in such town,

Call for meet

city or village, stating the time when, designating the hour and the place where such meeting will be held, and the object of the same, together with the amount of tax proposed to be voted thereat, which notice shall be so posted not less than five nor more than ten days previously to the time appointed for holding such special meeting. Such meeting, if in any town, shall be held at the place of the last annual town meeting in such town, whenever the same shall be practicable, and shall be opened and conducted in the manner provided by law for holding annual town meetings, and the vote shall in all cases be by ballot. In all other cases, such meetings shall be held at the place designated therefor in the petition asking for the same. The board of inspectors for meetings in cities and villages, shall be chosen by a majority of the electors present at the opening of the polls, and the village or city clerk (as the case may be) shall be the clerk of said polls, but in case of his absence or refusal to act, a clerk for said polls may be appointed by the board of inspectors; and the same laws which now govern the holding of elections, as to time of opening and closing the polls in cities and villages, shall govern in the holding of the meetings contemplated by this act: *provided*, that the electors assembled at any such meeting, not less than twelve in number, may, before proceeding to vote on the question of raising any such tax, agree or determine upon a less sum to be voted for any such purpose than the amount named therefor in the petition aforesaid; and a correct and complete record of the proceedings of every such meeting shall be kept, in which shall be stated the amount of tax voted thereat, and the purpose for which the same was voted; and such proceedings shall be signed or attested by the officers thereof, and filed and recorded in the office of the clerk of the proper town, city or village; *and provided, also*, that the board of supervisors of any town, the common council of any city, or the board of trustees of any village in which a tax or taxes shall have been voted at a meeting held for that purpose, in pursuance of this act, shall be authorized to issue town, city or village orders, as the case may be, not exceeding in amount the sum so voted to be raised by tax, bearing interest of not more than seven per cent. per annum; and such orders may be made payable at such time or times and at such

Where meeting to be held, and how conducted.

Board of inspectors—how chosen.

Less bounty may be agreed upon.

Record of proceedings, &c.

Town, city and village orders may be issued.

Orders receivable for taxes.

place as such respective boards may determine, within the period or periods limited for the collection of such taxes; and such orders shall be receivable in payment of any taxes of such town, city or village, as the case may be, at any time after the same shall become due and payable.

Apportionment of tax.

SECTION 3. The town board of supervisors of every town, the common council of every city, and the board of trustees of every incorporated village in which the qualified electors thereof have, at any meeting called for that purpose, voted a tax upon the taxable property of such town, city or incorporated village for the purpose of paying bounties to volunteers for filling the quota or quotas of such town, city or village, or for the purpose of supporting families of volunteers or families of drafted men, or for any of the purposes mentioned in section one of this act, or which may vote such tax for any or all of said purposes prior to the fifteenth day of February, eighteen hundred and sixty-five, are hereby authorized and empowered to make or cause to be made a copy of the last assessment roll or assessment rolls of real and personal property of their respective towns, cities or incorporated villages, and upon the valuation of said property to apportion and carry out in said rolls the said tax so voted for the purpose or purposes aforesaid, or shall apportion and carry out said tax upon the assessment roll in the hands of the treasurer or other officer, and cause a warrant for the collection of said tax to be annexed thereto, which warrant shall be made by the proper officer, and shall conform as near as practicable to the warrant prescribed by law for the collection of other taxes, commanding the town, city or village treasurer (as the case may be) to collect said tax prior to the twentieth day of March, eighteen hundred and sixty-five, and said roll and warrant annexed shall be forthwith delivered to the town, city or village treasurer to whom the same is directed: *provided*, that in all cases where taxes have been levied for the purpose of paying bounties to volunteers, and entered upon the assessment roll for the year 1863 or 1864, such action, whether had in pursuance of votes by the electors or otherwise, shall be deemed sufficient, and is hereby legalized and declared valid, and no new copy of said roll need be made for the collection of such taxes.

Warrant for collection of tax.

Previous taxes legalized.

Collection of tax —treasurer's fees

SECTION 4. Such treasurer shall proceed forthwith to the collection of such tax, and for that purpose shall have all the power and authority vested in him by law for the collection of other taxes, and shall give notice as required in section sixty-nine, chapter eighteen, revised statutes, that the assessment roll or assessment rolls for the special tax ordered, is in his hands for collection, subject to payment at his office, and for eight days thereafter, on all sums paid during said eight days, shall remit to the persons so paying or tendering four-fifths of the amount included in said list, as his fees for collecting such tax; and for all sums not paid at the expiration of such eight days, the officer shall be entitled to collect the same fees as in the collection of other taxes; but before he shall distrain the property of any person, he shall give such person or his agent or representative, if to be found in his town, city or village, at least three days' notice, by making demand of the taxes as aforesaid imposed on such person.

otice of tax

Disbursement of moneys arising from tax.

SECTION 5. The taxes so collected by said treasurer, and the moneys received by him from the county treasurer, as hereinafter provided, shall be paid out by him as authorized by the supervisors of his town, or the common council of his city, or board of trustees of his village, in pursuance of the direction or the meeting which voted the same, and for the purposes contemplated by this act.

Return of delinquent taxes.

SECTION 6. If such treasurer shall be unable to collect any portion of the taxes so as aforesaid levied for all or either of the purposes hereinbefore mentioned, he shall make return of such delinquent taxes and of the lands on which the same were levied, on or before the second day of April, 1865, to the treasurer of his county. Such delinquent return shall be in the form and shall be verified in the manner prescribed by law for the return of other delinquent taxes.

Collection of delinquent taxes.

SECTION 7. Upon receiving such delinquent return, the county treasurer shall give to the treasurer making such return duplicate certificates showing the amount of delinquent taxes so returned, specifying the amount delinquent on real estate, and the amount delinquent on personal property, which certificates shall be presented by the town treasurer to the clerk of the board of supervisors of the county, who shall countersign one of said certificates, and return it to said town treasurer,

and shall retain the other and safely keep the same in his office. The county treasurer shall add the taxes so returned to the taxes previously returned, if any, against the same tract or tracts of land, and in relation to such taxes so added, and to the lands returned as aforesaid against which there is no previous delinquent tax, the county treasurer shall thereafter proceed in the same manner as if all of said delinquent taxes had been included in the general tax roll for the year 1864, except that on the taxes returned under the provisions of section six of this act, interest shall be charged only from the first day of April, A. D. 1865.

Payment to town treasurers of delinquent taxes.

SECTION 8. It shall be the duty of each of the county treasurers of this state to pay to the treasurers of the several towns in their respective counties, on demand, all moneys collected by them, whether by sale for taxes or otherwise, upon the delinquent tax list, returned as provided in section six of this act.

Taxes that may be inserted in assessment rolls of 1865.

SECTION 9. If any town, city or incorporated village shall, at any meeting called for that purpose, and held subsequently to the fifteenth day of February, eighteen hundredx and sity-five, vote any tax to pay bounties, as provided in this act, or to support families of volunteers or drafted men, or if any such tax, voted *prior to* the fifteenth day February, 1865, shall not be collected as hereinbefore provided, such tax or taxes shall be inserted in the proper assessment roll or assessment rolls for the year 1865, and collected with other taxes contained in said rolls, and when so collected, shall be paid out as hereinbefore mentioned, for the purposes for which the same was levied: *provided*, that if the meeting voting such tax shall have determined or shall hereafter determine (at the time of voting such tax) that the tax or taxes voted for any of the purposes aforesaid shall be collected in two or more different years, then such part thereof as shall have been so determined shall be inserted in the proper assessment roll or rolls for the years in which it is so voted to collect the same; and all taxes voted by any meeting held subsequently to the year 1865, in pursuance of the provisions of this act, shall be assessed and collected in the manner provided by law for the collection of other taxes, unless the meeting shall determine that such taxes shall be collected in some other year or years: *provided*, that hereafter, when any town, city or incorporated village

Taxes may be inserted in different rolls.

Collection of taxes voted after warrant has been delivered to treasurer.

shall, at any special meeting called for that purpose, vote to raise a tax under the provisions of this act, and such meeting shall be held after the assessment roll and warrant for the collection of taxes shall have been delivered to the town treasurer or other officer authorized by law to collect said taxes, and before the 15th day of February, in any year, then and in such case the town board of supervisors of any town, the common council of any city, and the board of trustees of any incorporated village, are authorized and empowered to apportion and provide for the collection of said tax, or such portion thereof as such town, city or village may have determined shall be collected, in the same manner as provided in section three of this act.

Proceedings of previous meetings legalized.

SECTION 10. In each and every case where the qualified electors of any town, city or incorporated village, at a town, city or village meeting called or held with the intent to comply with any law of this state, shall have heretofore voted or shall hereafter vote a tax upon such town, city or village for the purpose of paying bounties to volunteers theretofore enlisted or who shall thereafter enlist in the service of the United States, under a call of the president for volunteers, or for the purpose of aiding the families of such volunteers or drafted men, or for any of the purposes authorized by this act, the proceedings of such meeting and the tax or taxes so voted thereat shall be as valid and legal to all intents and for all purposes as if the provisions of any such law had been all literally and strictly complied with, nothwithstanding there may have been errors, omissions or mistakes in giving the notice of such meeting, or in the time or place of holding or in the manner of conducting the same: *provided*, that nothing herein contained shall be so construed as to legalize or validate any act or proceeding founded upon or growing out of actual fraud.

Penalty for neglect of duty.

SECTION 11. In case any town clerk, supervisor or other officer of any town, city or incorporated village authorized or required by law to perform any duty or service authorized or required by the provisions of this act, shall willfully refuse or neglect to perform the duty or service so required of him, each and every person so offending shall be deemed guilty of a misdemeanor, and shall be liable to be indicted and punished therefor, as provided by law in cases of misdemeanor.

SECTION 12. Any town treasurer or other officer or person who shall have the lawful possession of any moneys voted or collected under the provisions of this act, in the discharge of any duty required of him by law in respect to such moneys, and who shall willfully refuse to pay the same over when lawfully required so to do, or who shall pay or apply the same without lawful authority to his own use, or to the use of any other person, shall be deemed guilty of the crime of embezzlement, and on conviction thereof shall be punished by a fine of not less than one hundred nor more than one thousand dollars, or by imprisonment in the county jail for not less than three months and not more than one year, in the discretion of the court. Refusal of treasurers to pay over money, deemed embezzlement.

SECTION 13. The board of supervisors of every town, the common council of every city, and the trustees of every incorporated village in this state, in which the provisions of this act shall have been carried out by levying taxes to pay bounties to volunteers, or to aid in the support of the families of volunteers or drafted men, are hereby authorized and empowered, in their discretion, to demand and require of the treasurer or officer charged with the collection and disbursing of the moneys voted according to the provisions of this act, such additional bonds or security as shall appear just and safe to such board of supervisors, common council or board of trustees. Treasurers may be required to give additional bonds.

SECTION 14. All acts and parts of acts contravening the provisions of this act, are hereby repealed. Repeal.

SECTION 15. This act shall take effect and be in force from and after its passage and publication.

Approved February 2, 1865.

CHAPTER 15.

[*Published February* 8, 1865.]

AN ACT fixing the terms of the fifth judicial circuit.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. That hereafter the general and special General terms.

terms of the circuit court of the fifth judicial circuit, shall be held as follows: In the county of Grant, on the first Monday in March, and second Monday in September, of each year; in the county of Iowa, on the fourth Monday in March, and fourth Monday in September; in the county of La Fayette, on the second Monday in April, and the first Monday in December; in the county of Richland, on the fourth Monday in April, and the fourth Monday in October; and in the county of Crawford, on the second Monday in May, and the second Monday in November, of each year, as aforesaid: *provided*, that at any term of the circuit court in either of said counties, motions and demurrers pertaining to actions or proceedings pending in the circuit court of any other of said counties, may be noticed for argument, heard and determined, and the judgments and orders thereon shall be entered in the records of the proper court, as of the term preceding their entry.

Grant county.

Iowa.

La Fayette.

Richland.

Crawford.

Return of proceeds, &c.

SECTION 2. All actions, prosecutions, motions, returns, appearances, and all proceedings which might be had, made or tried at the terms of the circuit court of either of said counties, as heretofore fixed by law, may be had, made and tried at the terms of said court as established by this act.

Special terms—publication of orders therefor.

SECTION 3. The judge of said circuit court, pending any general term, or within thirty days thereafter, may order a special term to be held in any county, at which any actions may be tried or proceedings had which do not require a jury, and such business may be done as by law may be transacted at such terms. Such order shall be entered by the clerk of record, and a copy of the same shall be published in such weekly newspaper as may be published at the county seat, at least thirty days before the commencement of such special term, or if there is no such paper, then in any other weekly newspaper which may be published in such county.

Publication of this act.

SECTION 4. Immediately after the passage of this act, the secretary of state shall furnish a copy thereof to the publisher of at least one weekly newspaper in each of the counties in said circuit, and cause the same to be published therein; and this act shall take effect and be in force from and after its passage and publication.

Approved February 2, 1865.

CHAPTER 16.

[*Published February* 7, 1865.]

AN ACT to incorporate the Wisconsin soldiers' home.

(*See supplement to local laws.*)

CHAPTER 17.

[*Published February* 6, 1865.]

AN ACT to authorize the city of Watertown to raise money by wards, for the payment of bounties to volunteers for military service of the United States, and to provide for the levy and collection of the same.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. The qualified electors of any ward of the city of Watertown, in this state, shall have power, at any meeting of such electors, called and held as hereinafter provided, to vote to raise by a tax, to be levied upon the taxable property in such ward, such sum or sums of money as they may deem necessary to pay bounties to volunteers in the service of the United States, who may have enlisted or shall hereafter enlist and become credited to such ward upon its quota, under the call of the president of the United States for volunteers, made December 19th, 1864, or under any call which may hereafter be made by the president for volunteers for the military service of the United States: *provided*, that not more than two hundred dollars shall be paid to any one volunteer out of such bounty tax so voted.

Tax may be voted to pay bounties to volunteers.

Limit to bounties.

SECTION 2. A meeting of the qualified electors of any such ward, in said city of Watertown, may be held for the purpose aforesaid, upon a written petition to the clerk of said city, signed by five or more qualified electors and freeholders in such ward, which petition shall set forth the purpose for which such meeting is asked by the petitioners, together with the amount of money sought to be raised by tax at such meeting for

Petition for and notice of meeting.

such purpose; and it shall be the duty of the clerk of said city, upon presentation to him of such petition, to call a meeting of the qualified electors of such ward, by posting notices of the same in three or more public places in such ward, stating the time when and the place where such meeting will be held, and the object of the same, together with the amount of the tax proposed, to be posted not less than five nor more than fifteen days previously to the time appointed for holding such meeting; and each meeting shall be held at the place designated therefor in the petition asking for the same.

Inspectors and clerk of election.

SECTION 3. The aldermen of the respective wards of said city shall constitute the board of inspectors for such meetings, and they shall take the usual oaths or affirmations prescribed by the general laws of the state to be taken by the inspectors of elections, and shall have power to appoint a clerk of such election, and to administer the necessary oaths. Such election shall be by ballot, and the elector shall declare his intention by inscribing on his ballot, "for tax," or "against tax," or words of similar import. And such electors shall also at the same time choose a board of three commissioners to take charge of the procuration of recruits for such ward. Such board shall be chosen by ballot, to be taken in a separate box from that in which the ballot upon the question of tax is taken. The names of the commissioners voted for by each elector, shall be inscribed on the ballot, and the three persons having the highest number of votes cast at such election shall constitute such board; and in case of a tie vote, the choice between the persons receiving an equal number of votes, shall be determined by the casting of lots by the board of inspectors; and vacancies in such board of commissioners, occasioned by the absence or refusal of any person so chosen to act, or by any other cause, shall be filled by appointment by the aldermen of the ward in which they were chosen; (*and*) *provided*, that such election shall in all other respects be held and conducted in the same manner and under the same penalties, and vacancies in the board of inspectors thereof filled and the votes cavassed, as required by the laws of this state regarding elections; and a complete record of the proceedings of every such meeting shall be kept, in which shall be stated the amount of each tax voted thereat, and the purpose for which the same

Form of ballots.

Board of Commissioners.

How election to be conducted.

Record of proceedings.

was voted, and the names of the persons chosen to superintend recruiting in such ward, and such proceedings shall be signed or attested by the officers, and filed and recorded in the office of the clerk of said city; *and provided, further*, that the electors assembled at any such meeting, not less than twelve in number, may, before proceeding to vote on the question of raising any such tax, agree or determine upon a less sum to be voted for any such purpose than the amount named therefor in the petition aforesaid.

Less bounty may be agreed upon.

SECTION 4. Whenever any such tax shall have been voted by any ward in said city, it shall be the duty of the common council of said city, when they levy the next annual tax upon said ward, to order said tax to be carried out upon the assessment roll of such ward by the clerk of said city, in a separate column, as a ward tax, and the same shall be collected in like manner as other taxes for ward purposes, and the same, when collected, shall constitute a bounty fund for the ward in which the same was levied and collected, for the payment of bounties or the redemption of bounty scrip, as the case may require. And the common council of said city shall in all cases order a sufficient sum, aside from such tax so voted by and levied upon any ward of said city, to be levied upon the taxable property of such ward, to pay any interest that shall accrue upon any scrip or order issued for the benefit of such ward, pursuant to this act: *provided*, that no greater sum shall be levied upon any ward than shall have been expended by the same for the procuration of recruits, as hereinbefore provided, except for the purpose of paying interest as aforesaid.

Levy and collection of tax.

Payment of interest on scrip.

Limit to amount to be levied.

SECTION 5. Whenever any such tax shall have been voted by any ward in said city, it shall be the duty of the mayor in said city to issue orders for the payment thereof, in sums not exceeding one hundred dollars, and drawing not more than seven per cent. interest, which orders shall be countersigned by the clerk of said city, directed to the treasurer thereof, and payable by the terms thereof to bearer, out of the bounty fund of the particular ward for which the same shall have been issued, on the first day of December next and following the issue of the same. Said orders shall be delivered to the city treasurer of said city, and by him negotiated at no less than their par value, and the proceeds thereof

Orders for payment of tax—amount, how signed, and when payable.

Negotiation of orders.

passed to the credit of the particular ward for which the same were issued, under the style of bounty fund, as aforesaid: *provided*, that such orders shall be received in payment of war taxes in the several wards for which the same was issued; *and provided*, that no more orders shall be issued by such mayor or negotiated by said treasurer, than shall be certified by the board of commissioners for the respective wards of said city to be necessary for the purpose of filling the quota of their several wards.

Orders receivable for war taxes.

Limit to amount of orders to be issued.

When bounty to be paid.

SECTION 6. The treasurer of said city shall pay to each person volunteering for and recruited to any ward of said city, or to his order, as the case may require, out of the bounty fund of such ward, the bounty which may be agreed to be paid such recruit by the board of commissioners for such ward, at the time of the procuration of such volunteer: *provided*, that such payment shall only be made upon the production of the certificate of muster and credit of such volunteer to such ward, and the order of the board of commissioners for the amount of bounty agreed to be paid.

Duties of commissioners.

SECTION 7. A board of commissioners provided for in this act, elected in any ward, shall have power to act in the premises until the ward shall vote a further tax and shall choose a new board, in the manner provided in this act; and such commissioners shall receive such compensation for their services, to be paid out of the funds of their respective wards, as the common council of said city may allow, not to exceed one dollar per day for time actually spent, and their actual expenses.

Penalties.

SECTION 8. Any person or persons intrusted with the same, who shall willfully misapply or misappropriate any tax or portion thereof, levied and collected under this act, or who shall willfully misapply or misappropriate any scrip issued for the payment of any such tax or the proceeds of such scrip, shall be deemed guilty of embezzlement; and any officer of said city who shall willfully fail and neglect to perform any duty imposed upon him by the terms of this act, shall be deemed guilty of a misdemeanor, and liable to indictment and punishment therefor, as provided by law in cases of misdemeanor.

Treasurer may be required to give additional bonds.

SECTION 9. No tax to pay bounties shall be voted, levied or collected hereafter in the said city of Watertown, except in pursuance of this act; and the common

council of said city may, in its discretion, require of the treasurer of said city additional bonds for the faithful performance of the duties imposed upon him by the terms of this act.

Approved February, 2, 1865.

CHAPTER 18.

[*Published February* 9, 1865.]

AN ACT to amend chapter 352 of the private and local [general] acts of 1863, entitled "an act to incorporate the Phœnix lead-mining and smelting company," approved April 2, 1863.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. The directors of the Phœnix lead mining and smelting company are hereby authorized to increase the capital stock of said company to two millions of dollars, which shall be represented by twenty thousand shares, of one hundred dollars each. Increase of capital stock.

SECTION 2. This act shall take effect and be in force from and after its passage.

Approved February 2, 1865.

CHAPTER 19.

[*Published February* 7, 1865.]

AN ACT to authorize school district number four, in the town of Beloit, to purchase a school house, and to lease the land upon which the same is situated, and to levy and collect a tax for the same.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. The district board of school district number four, in the town of Beloit, in the county of Rock, or a majority of said board, are hereby authorized and empowered to purchase for said district a certain May purchase certain building and lease ground

new wooden building situate on section number eleven, township number one (1,) range number twelve (12) east, for a school house for said district, and to lease the ground upon which said building is situated, not exceeding one acre, for the sum of eight hundred dollars; and the district board of said school district, or a majority of said board, are hereby authorized and empowered to pay for said building, with the lease of the ground as aforesaid, the additional sum of two hundred and fifty dollars, if, upon a special meeting being called in the manner prescribed by law, or at the annual meeting, a majority of the qualified voters of said district shall vote the payment of such additional sum, in such manner and at such time as they shall decide at said meeting, and shall vote thereat a tax for the payment of the same.

District clerk to make out tax list

SECTION 2. Upon the execution of a contract by the owner of such building and premises, covenanting to make a bill of sale of such building and a lease of said premises, which shall give to said district the title to such building, and a right to the said district, its successors or assigns, to use and occupy for school purposes, and no other, forever, the said premises, when there shall have been paid to said owner the full sum of ten hundred and fifty dollars, it shall be the duty of the district clerk to make out a tax list, and enter therein the names of all persons liable to pay a school district tax in said district, the amount of personal property to be taxed to each person, and a description of all taxable real property in said district, and shall set opposite thereto the names of the owners of real estate, or parcels of real estate, the names of the owners thereof, if such owner is known, and the valuation thereof.

Last assessment roll to be taken as basis.

SECTION 3. In making out said tax list, the said clerk shall set opposite to each description of real estate the same valuation as is contained in the last assessment roll of said town, and he shall set opposite to the name of each person in said district liable to pay a tax on personal property in said district, the same amount of personal property that is assessed to such person in the last assessment roll of said town of Beloit; and the said clerk shall thereupon apportion eight hundred dollars upon the taxable property in said district, and shall set opposite to each description of taxable

property, the amount of tax chargable thereto, and to each person, respectively.

SECTION 4. The clerk of said district shall make out and annex to said tax list a warrant, under his hand, commanding the treasurer of said district to collect from each of the persons therein named and of the owners of the real property described therein, the several sums set opposite to the persons so named and to the several tracts of land so described, within forty days from the date thereof, and within ten days from the date of said warrant, to personally demand such tax of the persons charged therewith in such list, if they be found within his town, and that if any such tax be not paid within said ten days, to collect the same by distress and sale of personal property, in the same manner as town treasurers are authorized to collect taxes; and the said treasurer is hereby authorized and empowered to collect the said taxes in the same manner as now provided by law for the collection of taxes by the treasurers of towns. And the said treasurer shall execute the said warrant, and return the same to the clerk of said district at the expiration of the time limited therein for the collection of said tax. Warrant.

SECTION 5. If any tax on any real estate described in said list, shall remain unpaid at the time the said treasurer is required to return the said warrant, the said treasurer shall make out and deliver to the town clerk of said town of Beloit, a description of the lots and pieces of land upon which such tax remains unpaid, together with the amount of tax assessed to each, and he shall make out and subscribe an affidavit, to be annexed to such statement, before some officer authorized by law to administer oaths, that the taxes mentioned in such statement remain unpaid, and that after diligent effort he has not been able to collect the same. Delinquent taxes.

SECTION 6. The town clerk of said town of Beloit, in making out the tax list of said town next thereafter, shall enter said unpaid taxes in a separate column, opposite to the description of the land upon which the taxes so remain unpaid; and such taxes shall be collected in the same manner as other taxes on said roll, and when so collected, shall be paid over to the treasurer of said district. Collection of same.

SECTION 7. All moneys collected under and by virtue of the provisions of this act, shall be paid over by Moneys to be paid to treasurer.

the treasurer of said school district to the person entitled thereto, his executors, administrators or assigns.

SECTION 8. This act shall take effect and be in force from and after its passage.

Approved February 2, 1865.

CHAPTER 20.

[*Published February* 9, 1865.]

AN ACT to enable the city of Oshkosh to settle with its bondholders.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Issue of bonds authorized to compromise indebtedness to railroad.

SECTION 1. For the purpose of compromising and taking up the bonds of the city of Oshkosh, issued under an act entitled "an act to authorize the city of Oshkosh to aid in the construction of a railroad," approved March 13, 1865, and also under an act entitled "an act to authorize the city of Oshkosh to aid the construction of a railroad," approved October 11th, 1856, the city council of the city of Oshkosh shall have power to issue bonds of said city, at a rate that the mayor and a majority of the city council may agree upon.

Denomination of bonds, date, interest, &c.

SECTION 2. The bonds herein provided for, shall be issued in amounts of not less than five hundred dollars and not exceeding one thousand dollars each, except in fractional amounts due to individual bondholders, on the terms hereinafter specified, for sums less than five hundred dollars, in which case they may be issued for the actual sum due. All of said bonds shall bear date March 1st, 1865, and be issued on time, not exceeding twenty years, and with coupons or interest warrants attached, drawing an annual interest not exceeding six per cent., to be paid annually at any solvent bank or banking house in the city of New York, notice of the time and place being given for ten days, in some New York city paper.

Sinking fund for redemption of bonds.

SECTION 3. For the better security and more prompt payment of said bonds, the city council aforesaid are hereby authorized and required annually to assess and

levy upon the taxable property of said city, a sinking fund sufficient to redeem the whole of said bonds within twenty years, commencing one year after date. The sinking fund shall be expended in the purchase of the bonds herein authorized, at a price not exceeding their New York market value, and not above par, or otherwise to be invested in United States or state stocks at not exceeding their New York market value, to be disposed of exclusively for the redemption of such bonds, whenever they can be purchased as aforesaid.

Terms of compromise.

SECTION 4. The city council of said city, the city officers and its agents, are hereby expressly prohibited from issuing and delivering any of the bonds herein provided for, except in exchange for the bonds and coupons first recited in this act, and then only upon a compromise, at a rate that the mayor and majority of the city council may agree upon; and any other delivery of said bonds by any city officer or agent of the city council, shall be deemed an embezzlement, and subject the offender upon conviction thereof, to fine and imprisonment, at the discretion of the court.

Tax for payment of coupons and sinking fund.

SECTION 5. For the payment of the bonds herein authorized, the city council of said city are authorized and required annually to levy and assess upon the taxable property of said city, a tax of sufficient amount to pay the coupons and sinking fund, and such portion of the bonds as may become due during the ensuing year, the levying whereof shall be ordered by a vote of the city council, taken by ayes and noes, and recorded upon the journal; and if said levying of such tax shall be neglected or defeated, except for cause over which the city council may not have control, any member thereof so neglecting, or acting knowingly contrary to the requirements of this section, shall be personally liable to a fine of five hundred dollars.

Individual liability of members of council.

Judge of circuit court may order levy of tax.

SECTION 6. In case of any such neglect or omission to levy such tax by the city council aforesaid, upon the application of any one or more persons holding such bonds or coupons so to become due or over due, to the judge of the circuit court, and showing such neglect or omission of the city council to the satifaction of said judge, he is hereby authorized to issue his precept to the city clerk of said city, or to any other person, commanding such clerk or person so designated, to levy the necessary tax (specifying the amount to be raised)

to pay the coupons, sinking fund and bonds so due or to become due, and an assessment so made shall be as legal and binding in all respects as if ordered by the city council; and for the purpose of facilitating the assessment of such tax in the manner prescribed, the person so directed by said judge shall have free access to all the city records, assessment rolls or other papers necessary for such purpose; and the taxes so levied shall be collected by the city treasurer and returns made in every respect like other city taxes, and when collected shall be appropriated exclusively for the purpose specified in this act.

Purchase of bonds before maturity.

SECTION 7. The city council, by vote of two-thirds of all its members, shall have power to purchase the bonds of the city before due, at such reduced rates below their value as they may deem for the best interest of the city, and they may levy taxes as aforesaid for the payment of the same, not exceeding ten thousand dollars in any one year, for such purpose.

Coupons receivable for taxes.

SECTION 8. Coupons falling due in any one year shall be receivable for the city taxes of the year in which they may be assessed.

Prohibition.

SECTION 9. The city council of said city are hereby prohibited from issuing the bonds of said city hereafter for any other purpose whatever, except in payment of the bonded debt of said city, and in payment for bridges which may hereafter be built within the limits of said city.

Additional bond from treasurer.

SECTION 10. The city council of the city of Oshkosh are hereby authorized to require of the city treasurer any additional bond and sureties which they may deem necessary for the safe keeping and disbursement of the moneys collected by the authority of this act, and for the faithful performance of all the duties imposed by the same.

Penalty.

SECTION 11. If any member of the city council or any city officer or agent shall neglect or refuse to comply with the provisions of this act, not made the subject of special penalty, he or they, as the case may be, shall be liable to such fine or imprisonment, or both, on conviction thereof, as the circuit court in its discretion may impose; and all fines imposed by the provisions of this act may be collected by action in the circuit court, upon complaint of any person or party interested, and shall be paid into the city treasury, and

appropriated exclusively for the payment of the coupons and bonds hereinbefore mentioned.

SECTION 12. All acts and parts of acts conflicting with the provisions of this act, are hereby repealed. Repeal.

SECTION 13. This act shall take effect and be in force from and after its passage.

Approved February 8, 1865.

CHAPTER 21.

[*Published February* 9, 1865.]

AN ACT to amend chapter 131 of the private and local [general] acts of 1864, entitled "an act to incorporate the Yellow river log-driving association," approved March 11th, 1864.

(*See supplement to local laws.*)

CHAPTER 22.

[*Published February* 11, 1865.]

AN ACT to incorporate the German printing company, of Milwaukee.

(*See supplement to local laws.*)

CHAPTER 23.

[*Published February* 11, 1865.]

AN ACT to incorporate the Farmers' mutual fire insurance company, of the counties of Adams, Marquette and Waushara.

(*See supplement to local laws.*)

CHAPTER 24.

[*Published February* 17, 1865.]

AN ACT to change the time of holding the general terms of the circuit court for the sixth judicial circuit.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

General terms.

Clark county.

Jackson.

Monroe.

La Crosse.

Vernon.

Buffalo.

Trempealeau.

SECTION 1. The general terms of the circuit court for the sixth judicial circuit, shall hereafter be held as follows: In the county of Clark, on the first Monday of March, and the first Monday of September, in each year; in the county of Jackson, on the second Monday of March, and the second Monday of September, in each year; in the county of Monroe, on the fourth Monday of March, and the fourth Monday of September, in each year; in the county of La Crosse, on the fourth Monday of April, and the fourth Monday of November, in each year; in the county of Vernon, on the second Monday of April, and the first Monday of December, in each year; in the county of Buffalo, on the second Monday of May, and the second Monday of October, in each year; in the county of Trempealeau, on the third Monday of May, and the third Monday of October, in each year.

Return of process, &c.

SECTION 2. All writs, process, services, continuances, recognizances and proceedings heretofore issued, made, taken, entered into or commenced, or which may be issued, made, taken, entered into or commenced in or from said courts of said counties, respectively, or either of them, and all proceedings pending therein or returnable thereto, whether by recognizance or otherwise, shall be held and taken as returnable at the terms mentioned in this act for holding the said general terms of court, respectively, in the said several counties.

Repeal.

SECTION 3. All acts and parts of acts, so far as the [they] contravene or conflict with the provisions of this act, are hereby repealed.

SECTION 4. This act shall take effect and be in force from and after its passage and publication.

Approved February 14, 1865.

CHAPTER 25.

[*Published February* 16, 1865.]

AN ACT to amend chapter 16 of the general laws of 1863, entitled "an act to authorize the entry of judgments in actions brought against persons charged as jointly liable."

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Judgment against defendants jointly liable.

SECTION 1. Section one of chapter 16 of the general laws of 1863, entitled "an act to authorize the entry of judgments in actions brought against persons charged as jointly liable," is hereby amended, so as to read as follows: "Section 1. Whenever it shall appear on the trial of an action on contract against several defendants sought to be charged as jointly liable, that such contract was made by either or any of such defendants, or that either or any of such defendants were liable on such contracts at the time of the commencement of such action, the court may render judgment against such of the defendants as are proved on such trial to be liable upon such contract to the plaintiff in such action."

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved February 14, 1865.

CHAPTER 26.

[*Published February* 17, 1865.]

AN ACT to authorize and enable Thomas B. Burnett, a minor, to convey and to contract for the conveyance of his real estate.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

May convey real estate, &c.

SECTION 1. Thomas B. Burnett, of Prairie du Chien, in this state, a minor, of the age of about twenty years, is hereby authorized and empowered to grant, convey, contract for the conveyance of or mortgage any or all of the real estate of which he is seized, or in which he may have any interest, either in this or any other state,

in the same manner and with like effect as though he were of the full age of twenty-one years.

Validity of contracts.

SECTION 2. All contracts, conveyances or mortgages made by the said Thomas B. Burnett, under and by virtue of section one of this act, shall have the same force and effect in the laws, as though he were fully twenty-one years of age.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved February 14, 1865.

CHAPTER 27.

[*Published February* 16, 1865.]

AN ACT to legalize the proceedings of a special town meeting in the town of Manitowoc, Manitowoc county, and to authorize the levy and collection of a special tax in said town.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Bounty tax proceedings legalized.

SECTION 1. All the proceedings of the town meeting held in the town of Manitowoc, Manitowoc county, on the twenty-first day of January, A. D. one thousand eight hundred and sixty-five, are hereby legalized, and the tax voted at such meeting for the purpose of paying bounties to volunteers in the military service of the United States, declared valid for all intents and purposes.

Levy of tax.

SECTION 2. The clerk of the said town of Manitowoc, Manitowoc county, is hereby authorized and required forthwith to make out and levy upon the taxable property of said town, the amount of taxes voted by the electors of said town as aforesaid, and attach his warrant thereto, in the same manner as provided by law for the collection of taxes, and deliver the same to the treasurer of said town.

Collection of tax

SECTION 3. Upon receiving said list of taxes, it shall be the duty of said treasurer to collect said taxes in the same manner as prescribed by law for the collection of other taxes, and shall add any taxes which may remain unpaid on the thirty-first day of March,

A. D. one thousand eight hundred and sixty-five, to the delinquent taxes for state, county and town purposes, for the year one thousand eight hundred and sixty-four, and return the same to the treasurer of the county of Manitowoc, as hereinafter provided.

Return of delinquent taxes.

SECTION 4. Should there be any of such tax which cannot be collected by the said treasurer, where the state, county and town taxes have been previously paid upon the same property, the same shall be returned in the same manner as other taxes.

Extension of time for collection of tax.

SECTION 5. The time for the collection of taxes in the said town of Manitowoc, and for making return thereof to the treasurer of said county of Manitowoc, is hereby extended until the thirty-first day of March, A. D. one thousand eight hundred and sixty-five, and the treasurer of said town of Manitowoc shall have the same right to levy on property and sell the same within the time so extended, as is now allowed by law for such purposes: *provided, however*, that the supervisors of said town may, if they shall see fit, within five days after the service upon them of a copy of this act, and not afterwards, order and direct that the said tax so voted to be raised at said special meeting, shall be entered in the next assessment roll of said town, and be levied and collected in the same manner as other taxes of said town for the year 1865, may by law be levied and collected; *and provided, further*, that if the said supervisors shall so order and direct, they shall, without delay, issue orders of their said town in the usual form, and in sums not exceeding one hundred dollars each, to the full amount of said tax, to be used and paid out for the purpose of obtaining volunteers to fill the quota of said town under and in pursuance of the vote of the citizens at said special meeting, not exceeding the sum of two hundred dollars to each volunteer or person furnishing a substitute, and that such orders so issued shall be receivable for town taxes, and be valid and binding in all respects whatsoever.

Tax may be entered in assessment roll of 1865.

Town orders may be issued.

SECTION 6. This act shall take effect and be in force from and after its passage.

Approved February 14, 1865.

CHAPTER 28.

[*Published February* 16, 1865.]

AN ACT to amend section four of chapter thirty-two of the general laws of 1863, entitled "an act relative to the commencement and prosecution of civil actions against persons in the military service of the country," approved March 2d, 1863.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Not applicable to executors, &c.

SECTION 1. Section four of chapter 32 of the general laws of 1863, is hereby amended, so as to read as follows, to wit: "This act shall not extend or apply to persons who are prosecuted as executors, administrators or trustees, or for debts created in fiduciary capacity; nor to proceedings for forcible entry and unlawful detainer; nor to persons who are made defendants only as subsequent encumbrancers to the principal defendant in actions to foreclose mortgages, or mechanics' liens; nor to persons who are made defendants only as encumbrancers to the principal defendant, in actions brought for the partition of lands or real estate owned by several persons; and in actions against persons jointly liable upon a contract, the action shall be allowed to proceed against the joint debtor or debtors not in the service, and the judgment may be entered, enforced and collected as provided in clause one of section eleven of chapter one hundred and twenty-four of the revised statutes."

SECTION 2. This act shall take effect and be in force from and after its passage.

Approved February 14, 1865.

CHAPTER 29.

[*Published February* 17, 1865.]

AN ACT to amend an act entitled "an act to amend chapter 27 of the revised statutes, entitled 'of the state superintendent of public property, and the purchase and distribution of stationery for the use of the state.'"

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. Section one of the act to which this is amendatory, is hereby amended, by striking out the word "fifteen," when it occurs in said section, and inserting the word "thirty," so that the proviso in said section will read: "*Provided*, that the amount of stationery furnished in any one year to each and every member of the legislature, the lieutenant governor, and sergeant-at-arms of each house, shall not exceed in value thirty dollars." Stationery to amount of $30 to members, &c.

SECTION 2. This act shall take effect from and after its passage.

Approved February 14, 1865.

CHAPTER 30.

[*Published February* 17, 1865.]

AN ACT to authorize the payment of certain claims from the war fund.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. All expenses for clerk hire or any other purpose, which shall be necessarily incident to the payment and distribution of the extra pay provided by chapter 117, laws of 1864, and all expenses necessarily incurred in conducting the business of the offices of adjutant-general and quartermaster-general, respectively, including the salaries of the adjutant-general and quartermaster-general, shall be paid from the war fund. Clerks payable from war fund.

SECTION 2. It shall be the duty of the secretary of state to draw his warrant on the state treasurer, pay- Warrants

able from the war fund, for all claims audited under the provisions of section one (1) of this act.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved February 14, 1865.

CHAPTER 31.

[*Published February* 18, 1865.]

AN ACT to amend an act entitled "an act to incorporate the Peshtigo lumbering and manufacturing company," approved October 11th, 1856, and the acts amendatory thereof.

(*See supplement to local laws.*)

CHAPTER 32.

[*Published February* 18, 1865.

AN ACT to provide for the payment of mileage to the regents of the university of Wisconsin.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Mileage to regents.

SECTION 1. The regents of the university of Wisconsin, for every mile they shall travel in going to and returning from the place of the annual meeting of said regents, on the most direct and usual routes of travel, shall be entitled to receive the same mileage as members of the legislature: *provided*, that the amount of mileage paid to any of said regents in one year, shall not exceed fifty dollars.

Yearly limit.

Appropriation.

SECTION 2. There is hereby appropriated out of any money in the state treasury belonging to the university fund income, not otherwise appropriated, a sufficient sum to pay the mileage to regents of the university, as provided by section one of this act.

Certificates, warrants, &c.

SECTION 3. Certificates of the amount of mileage due each of said regents, in pursuance of the provisions of

this act, shall be made, signed and attested by the president and secretary of the board of regents of said university, and upon presentation to him of such certificates, the secretary of state shall draw his warrant upon the state treasurer for the amount thus certified, who shall upon such warrant pay the amount out of any money in the state treasury belonging to the university fund income.

SECTION 4. This act shall take effect and be in force from and after its passage and publication.

Approved February 14, 1865.

CHAPTER 33.

[*Published February* 17, 1865.]

AN ACT to legalize the proceedings of a special town meeting held in the town of New Holstein, Calumet county, on the 10th day of January, 1865, for the purpose of raising bounties to volunteers.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. All the proceedings of a special meeting held in the town of New Holstein, in the county of Calumet, on the 10th day of January, 1865, for the purpose of raising money to pay bounties to volunteers, and all acts of the supervisors or other officers of said town, done under and in pursuance of such proceedings, are hereby declared to be legal and binding in all respects whatsoever: *provided*, that no greater sum than two hundred dollars shall be paid to any person volunteering, or to any person furnishing a substitute, prior to the draft ordered to fill the call of the president of the United States, of date the 19th day of December, 1864, and that such person be credited to said town on its quota. Proceedings legalized. Limit to bounty.

SECTION 2. All orders which have been or may hereafter be issued by the supervisors of said town, in pursuance of the proceedings of said meeting, shall be valid and binding, and the tax to pay such orders shall be entered in the next assessment roll of said town, and levied and collected with and the same as the other Orders legalized.

taxes of said town for the year 1865 may by law be levied and collected.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved February 14, 1865.

CHAPTER 34.

[*Published February* 17, 1865.]

AN ACT to authorize the town of Emmet, in Dodge county, to levy and collect a tax to pay bounties to volunteers.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Bounty tax authorized.

SECTION 1. The town of Emmet, in the county of Dodge, is hereby authorized at any regular or special town meeting, to vote to raise a tax to pay bounties to volunteers who shall have or may hereafter volunteer into the military service of the United States, under any of the calls by the president heretofore made.

Limit to bounty.

SECTION 2. The town officers of the said town of Emmet are hereby authorized immediately to levy and collect any tax so voted to beraised: *provided*, no more than two hundred dollars shall be paid to any one volunteer.

SECTION 3. This act shall take effect and be in force from and after its passage.

Approved February 14, 1865.

CHAPTER 35.

[*Published February* 17, 1865.]

AN ACT to authorize the town of Ashippun, in Dodge county, to levy and collect a tax.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. The proper town officers of the town of Ashippun, Dodge county, are hereby authorized to issue the town orders of said town to raise the sum of money the qualified electors of said town may have or shall hereafter vote to raise, at any general or special town meeting, for the payment of bounties to volunteers to fill the quota of said town upon the last call of the president of the United States for three hundred thousand men, and for the support of the families of volunteers in said town. Issue of town orders authorized.

SECTION 2. Said orders shall be issued under the direction of the town board of said town, and shall be signed by the chairman and attested by the clerk of said town. How to be signed, &c.

SECTION 3. It shall be lawful for the proper town officers of said town to levy and collect a tax on the taxable property of said town, for such sum as may have been or may hereafter be voted by the legal voters of said town, at any regular or special town meeting, to pay said orders and the interest thereon. Tax authorized.

SECTION 4. Said money so raised, either by the issuing of orders or by the levy and collection of taxes, shall be disbursed under the direction of the town board of said town, for the purpose above set forth: *provided, however*, that no more than two hundred dollars of such moneys shall be paid to any one person volunteering into the military service of the United States, to the credit of said town. Disbursement of money. Limit to bounty.

SECTION 5. This act shall take effect and be in force from and after its passage.

Approved February 14, 1865.

CHAPTER 36.

[*Published February* 17, 1865.]

AN ACT to legalize the disbursement of all bounty funds to volunteers for the town of Clinton, in the county of Rock, during the year 1864.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Bounty tax proceedings legalized.

SECTION 1. All the proceedings of the supervisors and other agents of the town of Clinton, county of Rock, in disbursing the bounty funds of said town to volunteers, during the year 1864, are hereby legalized and declared valid and binding.

SECTION 2. This act shall take effect and be in force from and after its passage.

Approved February 14, 1865.

CHAPTER 37.

[*Published February* 17, 1865.]

AN ACT to repeal chapter 165 of the general laws of 1863, relative to the publication of the delinquent tax list in the county of Winnebago.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Repeal.

SECTION 1. Chapter 165 of the general laws of 1863, entitled "an act relative to the publication of the delinquent tax list in the county of Winnebago," is hereby repealed.

SECTION 2. This act shall take effect from and after its passage.

Approved February 14, 1865.

CHAPTER 38.

[*Published February* 18, 1865.]

AN ACT to legalize the proceedings of a special meeting held in the city of Appleton, January 19th, 1865, for the purpose of raising bounties to volunteers, and to authorize the collection of the tax.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. All the proceedings of a special meeting held in the city of Appleton, Outagamie county, on the 19th day of January, A. D. 1865, for the purpose of raising money to pay bounties to volunteers, and also, all the proceedings prior to and subsequently to such meeting, and connected therewith, and for the purposes aforesaid, are hereby declared to be legal and binding in all respects whatsoever: *provided*, that nothing herein contained shall be so construed as to allow of the payment of a greater sum than two hundred dollars to any person volunteering, or to any person providing himself with a substitute, prior to the draft ordered to fill the pending call of the president of the United States for volunteers. Bounty tax proceedings legalized. Limit to bounty

SECTION 2. The city clerk of said city shall forthwith make out a new tax list of all the real and personal property within said city, based upon the assessment roll of 1864, and shall equitably apportion thereon the sum of eight thousand dollars, being the amount voted by a majority of the electors of said city, on the 19th of January, 1865, and shall execute, sign, certify and seal such tax list, and append a warrant for the collection thereof, corresponding in all respects with the requirements for a tax list, warrant and certificate, established by the charter of said city, and shall forthwith issue the same to the city treasurer. Levy of tax.

SECTION 3. The common council of said city may, in their discretion, authorize and issue city orders payable from the bounty fund, in anticipation of the collection of said tax, to an amount not exceeding the sum of eight thousand dollars. City orders may be issued.

SECTION 4. On receiving such tax list and warrant of collection, the city treasurer shall proceed, at his office in said city, to receive and collect thetaxes there- Collection of tax

in contained, and for all payments made within eight days after receiving such tax list, he shall deduct four-fifths of the collection fees. At the time of receiving such tax list, he shall give notice of that fact, by publishing an announcement thereof in each of the weekly papers printed in said city, and by posting two notices in each ward of said city; and he shall state therein that such tax list will be in [his] hands for collection for twenty days.

Ibid. on personal property.

SECTION 5. In case any portion of the taxes upon personal property shall not be paid within twelve days from the time such tax list shall come into his hands, such treasurer shall proceed to levy and collect the same, as provided by the city charter of said city and the general laws of the state.

Return of delinquent taxes.

SECTION 6. At the expiration of twenty days from the time said tax list shall have come into his hands, such treasurer shall make a full and complete return of all delinquent taxes to the county treasurer of the county of Outagamie, as required by law.

Application of moneys.

SECTION 7. All moneys which now are or may hereafter come into the treasury of said city, being the avails of taxes heretofore levied and collected to provide bounties to volunteers to fill the quotas of said city under former calls of the president of the United States, shall be applied to the payment of bounties to volunteers to fill the quota of said city under the present or any future call of the president.

SECTION 8. This act shall take effect immediately.

Approved February 14, 1865.

CHAPTER 39.

[*Published February* 18, 1865.]

AN ACT relating to the third assembly district of Dodge county, and amendatory of section two of chapter two hundred and sixteen of the general laws of 1861.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. Subdivision 3 of that portion of section 2 of chapter two hundred and sixteen of the general laws of 1861, which apportions the county of Dodge into assembly districts, is hereby amended, so as to read as follows: "3. The towns of Emmet, Clyman, Oak Grove, Burnett, Chester, the fifth and sixth wards of the city of Watertown, and the south ward of the village of Waupun, shall constitute an assembly district." Third assembly district, Dodge.

Approved February 14, 1865.

CHAPTER 40.

[*Published February* 24, 1865.]

AN ACT to vacate an alley in the sixth ward of the city of Milwaukee.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. That the alley running through block eleven, extending from Second to Third street, in the sixth ward of the city of Milwaukee, is hereby vacated. Vacated.

SECTION 2. This act shall take effect from and after its passage.

Approved February 17, 1865.

CHAPTER 41.

[*Published February* 24, 1865.]

AN ACT to protect the owners of cranberry marshes.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Injury to vines, &c., deemed trespass.

SECTION 1. Any person who shall hereafter enter upon any cranberry marsh within this state, belonging to any other person or persons, and pick, injure, destroy or remove therefrom any cranberry vines, or any fruit of such vines, then growing or having grown, without the authority of the owner or owners of such marsh, shall be deemed to be guilty of a malicious trespass.

Warrant for arrest of trespasser.

SECTION 2. Upon complaint being made in writing, upon the oath of any person interested in or having charge of any such marsh, and presented to a justice of the peace of any county in which any such marsh may be, stating that any person or persons has or have trespassed thereon, in any manner mentioned in section one of this act, it shall be the duty of such justice to issue a warrant under his hand, directed to the sheriff or any constable of the county in which such justice resides, commanding said sheriff or constable forthwith to arrest the person or persons charged with said trespass, if to be found in the same or any adjoining county, and to bring him or them, or either of them, before such justice, to answer to the complaint of the party injured, in a plea of trespass, in a sum not to exceed one hundred dollars.

Service of warrant.

SECTION 3. The officer to whom such warrant may be delivered, shall, in virtue thereof, pursue and apprehend such person or persons as are therein named, whenever [wherever] he, they or any of them can be found in the county where such justice resides, or in any county adjoining the same, and for such purpose, the said sheriff or constable is hereby clothed with like power and authority as is conferred upon such officer in the executing of warrants in criminal cases.

Trial of offender.

SECTION 4. Upon the return of such warrant to the justice who issued the same, by the officer serving it, with the person or persons, or any or either of them, so charged, the said justice shall hear, try and determine

the action so commenced, in the same manner and with like effect as ordinary actions for trespass.

SECTION 5. If in such action the plaintiff shall recover judgment, he shall recover all costs attending the commencement and trial thereof.

SECTION 6. This act shall take effect and be in force from and after its passage and publication.

Approved February 17, 1865.

CHAPTER 42.

[*Published February* 24, 1865.]

AN ACT to amend the charter of the Green Bay transit company, approved February 9th, 1864.

(*See supplement to local laws.*)

CHAPTER 43.

[*Published February* 24, 1865.]

AN ACT relative to the municipal court of the county of Milwaukee.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. In addition to the jurisdiction now vested by law in the municipal court of the county of Milwaukee, said court shall also have jurisdiction, concurrent with the circuit court of Milwaukee county, of all actions brought for any breach of any recognizance given in said court in any criminal prosecution; and all laws of this state relative to such actions, are hereby extended and made applicable to said municipal court of Milwaukee county: *provided*, that no judgment entered up in said municipal court, shall be a lien on real estate, until a transcript of such judgment shall be filed and the judgment docketed in the office of the clerk of the circuit court of said county of Milwaukee. Jurisdiction court.

SECTION 2. This act shall be published immediately, and shall take effect from its passage and publication.

Approved February 18, 1865.

CHAPTER 44.

[*Published February* 21, 1865.]

AN ACT to incorporate the Lemonwier copper-mining, smelting and manufacturing company.

(*See supplement to local laws.*)

CHAPTER 45.

[*Published February* 24, 1865.]

AN ACT to authorize the immediate collection of a special tax voted for the payment of bounties to volunteers in the town of Oregon, Dane county, on the 17th day of January, 1865.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Collection of tax authorized.

SECTION 1. The board of supervisors of the town of Oregon, Dane county, are hereby authorized to direct the immediate collection of the tax voted at a meeting of the electors of said town, held January 17th, 1865, for the purpose of voting to raise by tax a sum of money to pay bounties to volunteers for the military service of the United States, and credited upon the quota of said town; and for that purpose, said board of supervisors may direct such tax to be entered upon the last assessment roll of said town, or upon a copy of the same which they may direct to be made, and the collection of such tax and the returns for delinquent taxes, and the disbursement of the taxes when collected, shall conform in all respects to the provisions of chapter 14 of the general laws of 1865.

SECTION 2. This act shall take effect and be in force from and after its passage.

Approved February 18, 1865.

CHAPTER 46.

[*Published February* 28, 1865.]

AN ACT to legalize the proceedings of a special town meeting in the town of Lisbon, Waukesha county.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Bounty tax proceedings legalized.

SECTION 1. The proceedings of a special town meeting in and for the town of Lisbon, in the county of Waukesha, at which a bounty of two hundred dollars each was voted to volunteers to the military service of the United States, and credited to said town, held on 24th day of January, A. D. eighteen hundred and sixty-five, are hereby legalized and declared valid, to all intents and purposes.

SECTION 2. This act shall be in force from and after its passage and publication.

Approved February 18, 1865.

CHAPTER 47.

[*Published February* 24, 1865.]

AN ACT to legalize the official acts of the board of supervisors of the town of Newark, Rock county, Wisconsin.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Acts of supervisors legalized.

SECTION 1. That all of the official acts of the supervisors of the town of Newark, Rock county, Wisconsin, in paying bounties to volunteers under the call of the president of the United States for five hundred thousand volunteers, in July, 1864, are hereby legalized and made as binding and of as full force, as if all the requirements of the law had been complied with, and said supervisors and each of them are hereby relieved from any and all liability on account of such acts, respectively.

SECTION 2. This act shall take effect and be in force from and after its passage.

Approved February 18, 1865.

CHAPTER 48.

[*Published February* 24, 1865.]

AN ACT to legalize the proceedings of certain town meetings in the town of Burnett, Dodge county, Wisconsin, at which bounties were voted to volunteers.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Bounty tax proceedings legalized.

SECTION 1. The proceedings of the town of Burnett, in the county of Dodge, and state of Wisconsin, at two town meetings, one the annual town meeting, held April fifth, 1864, the other a special town meeting, held August twenty-sixth, 1864, at which taxes were voted to be raised to pay bounties to volunteers, are hereby declared to be legal and valid in all respects and for all purposes.

Collection of tax.

SECTION 2. The town treasurer of said town is hereby authorized to proceed and collect all the upaid taxes voted to be raised by tax at said town meetings, to pay bounties to volunteers, and extended on the assessment roll of said town for the year 1863, which he was directed to collect by the warrant of the town clerk thereto annexed, and dated April twenty-fith, 1864, and the warrant of the town clerk thereto annexed, and dated September twelfth, 1864; and for that purpose and for making his returns, the said town treasurer is hereby vested with all the power, authority and emoluments given to him by the laws of this state, in relation to the collection and return of the usual annual taxes; and his return to the county treasurer of his doings under said warrants, shall be received by the said county treasurer, and in relation to unpaid taxes shall have the same force and effect and be subject to the same laws, as the usual annual returns of town treasurers.

Return of delinquent taxes.

SECTION 3. All the acts of the supervisors, town clerk and treasurer of said town, in each and all of the steps by them or either of them taken for and in the collection of said taxes, are hereby declared legal and valid, the same as if such steps had been taken in pursuance of law previously enacted.

SECTION 4. This act shall take effect and be in force from and after its passage and publication.

Approved February 18, 1865.

CHAPTER 49.

[*Published February* 27, 1865.]

AN ACT to legalize the voting, levy and collection of taxes for the payment of bounties to volunteers, in the city of Mineral Point.

The people of the state of Wisconsin, repersented in senate and assembly, do enact as follows:

SECTION 1. All the proceedings at certain elections held in the city of Mineral Point, Iowa county, Wisconsin, respectively on the fifteenth day of December, A. D. 1864, and on the eighteenth day of January, A. D. 1865, for the purpose of raising money by special tax to pay bounties to volunteers in the military service of the United States, and the levy and collection of taxes made in pursuance thereof, are hereby legalized and declared valid and binding, to all intents and purposes, notwithstanding any defects, omissions, errors or insufficiencies in calling, holding or conducting said elections, or either of them, or in voting or levying said taxes; and the said taxes are hereby legalized and declared binding and in full force, the same as if voted and levied in pursuance of law, and according to [the] provisions and requirements thereof. Bounty tax proceedings legalized.

SECTION 2. This act shall take effect and be in force from and after its passage.

Approved February 18, 1865.

CHAPTER 50.

[*Published March* 2, 1865.]

AN ACT to incorporate the Young Men's association of the city of Fond du Lac.

(*See supplement to local laws.*)

CHAPTER 51.

[*Published March* 1, 1865.]

AN ACT to incorporate the Mineral Point mining company.

(*See supplement to local laws.*)

CHAPTER 52.

[*Published March* 1, 1865.]

AN ACT to legalize all the proceedings of a special town meeting held in the town of Perry, in the county of Dane, state of Wisconsin, on the 10th day of September, 1864, for the purpose of raising bounty for volunteers in said town, and to legalize the acts of the town board of supervisors under the resolutions passed at said town meeting.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Bounty tax proceedings legalized.

SECTION 1. All the proceedings of the town officers of the town of Perry, Dane county, Wisconsin, in reference to a meeting held in said town, on the 10th day of September, 1864, for the purpose of raising bounty for volunteers to fill the quota of said town, the resolutions passed at said town meeting, and all the acts and proceedings of the town officers of said town in reference to filling the quota of said town, under the resolutions passed at said town meeting, are hereby declared to be legal and valid for all purposes, notwithstanding any defects or omissions in or legal objections to the notices, the time and manner of posting the same, the holding and conducting said town meeting, or to the disposition made of the money raised or the orders issued under the resolutions passed at said town meeting; and that the orders so issued by the town officers of said town, in the hands of any *bona fide* holder, shall be taken and held to be a legal and valid claim against said town, to all intents and for all purposes: *provided*, that not more than two hundred dollars shall be paid to any volunteer or to any person furnishing a substitute, from such funds.

Limit to bounty.

SECTION 2. This act shall be deemed a private act, and shall be published immediately, and shall take effect from and after its publication.

Approved February 18, 1865.

CHAPTER 53.

[*Published March* 2, 1865.]

AN ACT to authorize La Fayette county to issue bonds to pay bounties to volunteers.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

County board may issue bonds to pay bounties to volunteers.

SECTION 1. The county board of supervisors of the county of La Fayette, in this state, are hereby authorized and empowered to issue the bonds of said county to an amount sufficient to fund, liquidate or pay at par the present indebtedness of said county, incurred by and under an order of said board, adopted on the twenty-seventh day of July, in the year of our Lord eighteen hundred and sixty-four, wherein and whereby there was, by said county, offered a bounty of three hundred dollars to each person who should volunteer under the then last call of [the] president of the United States for five hundred thousand men, and to be mustered into the military service of the United States, and be credited to any town in said county. Such bonds shall be of such and so many denominations, not less than twenty-five dollars nor more than five hundred dollars, as shall be determined by said county board of supervisors; and the principal of said bonds shall be payable in not less than one year nor more than ten years from the date thereof. Each such bond shall also bear interest at the rate of seven per cent. per annum, payable annually, and both principal and interest shall be payable to the bearer, at the office of the treasurer of said county, on days therein specified. Each such bond shall be signed by the chairman of said board, and countersigned by the clerk of the board of supervisors of said county, and shall also have thereto affixed, by said clerk, the seal of said board, and bear date on the first day of

Denominations, when payable, how signed, &c.

April, in the year of our Lord eighteen hundred and sixty-five.

Receipt for each bond to be taken.

SECTION 2. The bonds issued pursuant to this act, shall be delivered, under the direction of said board, by the clerk of the board of supervisors of said county, who shall take a receipt for each bond from the person receiving the same, in a book to be by him kept for that purpose in his office, in which receipt shall be stated the number and denomination of each such bond.

How bonds to be numbered.

SECTION 3. The bonds of each denomination issued pursuant to the provisions of this act, shall be numbered in regular numerical series from one upwards to and including the last.

Form of bond.

SECTION 4. The form of said bonds shall be substantially as follows, that is to say:

$—— BOUNTY BOND. No.——

The county of La Fayette, in the state of Wisconsin, for value received, hereby agrees to pay the bearer the sum of (stating the sum) dollars, on the first day of April, in the year of our Lord eighteen hundred and (stating the year,) with interest thereon, annually, at the rate of seven per cent. per annum, at the office of the treasurer of said county; and the said county hereby declares that this instrument is valid and binding upon said county.

In witness whereof, the chairman of the county board of supervisors of said county hath subscribed his name officially, and the clerk of the board of supervisors of said county hath countersigned this bond, and subscribed his name officially, and affixed the seal of said board, as authorized by law.

Dated April first, in the year of our Lord eighteen hundred and sixty-five.

A. B., chairman county board
of supervisors, La Fayette county, Wisconsin.

Countersigned:

C. D., clerk of the board
of supervisors of La Fayette county, Wisconsin.

The above form of bond, or any form substantially the same, is hereby declared sufficient.

Bonds to be negotiable, &c.

SECTION 5. All bonds issued and delivered pursuant to and as authorized by this act, are hereby made negotiable, and to all intents and purposes declared valid

and binding on said county of La Fayette, and no change of name or boundary of said county shall have any effect as to the said bonds, or as to the holders thereof.

SECTION 6. In each year next preceding the year in which any sum of money will become due by the terms of the bonds issued and delivered, as provided in this act, there shall be levied upon the taxable property of said La Fayette county, by the said county board of supervisors, such sum as will be sufficient to pay, at maturity, the sum so to become due on said bonds, and the same shall be apportioned, assessed and collected as and under the same tax list and warrant as other county taxes are apportioned, assessed and collected, except that it shall be paid in money only. Tax to pay bonds

SECTION 7. This act is hereby declared to be a public act and general law, and shall be favorably construed to effectuate the objects contemplated therein, and the same, after its passage, shall be printed by the state printer, and when so printed and published, it shall take effect and be in full force. Construction.

Approved February 18, 1865.

CHAPTER 54.

[*Published February* 21, 1865.]

AN ACT to incorporate the St. Louis and Wisconsin river lumber company.

(*See supplement to local laws.*)

CHAPTER 55.

[*Published February* 21, 1865.]

AN ACT to incorporate the International petroleum company.

(*See supplement to local laws.*)

CHAPTER 56.

[*Published March* 4, 1865.]

AN ACT to incorporate the People's savings bank.

(*See supplement to local laws.*)

CHAPTER 57.

[*Published March* 2, 1865.]

AN ACT to incorporate the Superior insurance company, of Madison.

(*See supplement to local laws.*)

CHAPTER 58.

[*Published February* 27, 1865.]

AN ACT concerning the custody of prisoners, in certain cases.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Prisoners may be removed to jail of a adjoining county.

SECTION 1. Whenever the county jail in any county shall be destroyed by fire or other casualty, or whenever the county jail of any county shall be insecure for the safe keeping of prisoners, it shall be lawful and proper for the sheriff of such county to remove and take any prisoner to the jail of an adjoining county, and the jailor of such adjoining county shall receive and keep such prisoner in the same manner as if he had been ordered, sentenced or delivered to him by any officer or court of his own county.

Authority to hold such prisoners.

SECTION 2. An indorsement on the back of the commitment by which any prisoner is held in custody, made by the sheriff in charge of such prisoner, directed to the jailor or sheriff of such adjoining county, shall be sufficient authority for such jailor or sheriff to hold such prisoner.

SECTION 3. This act shall take effect immediately on its passage and publication.

Approved February 23, 1865.

CHAPTER 59.

[*Published February* 27, 1865.]

AN ACT to authorize the board of supervisors of the town of Port Washington, in the county of Ozaukee, to expend the money voted to be raised to pay bounties to volunteers.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. The board of supervisors of the town of Port Washington, in the county of Ozaukee, are hereby authorized and empowered to use the money voted to be raised by tax, in said town, at a special town meeting held on the second day of January, A. D. 1865, for the purpose of paying bounties to volunteers, in the payment of bounties to persons furnishing substitutes for themselves, and having them credited to said town, and also for the aid of families of drafted men: *provided*, that no larger sum than two hundred dollars shall be paid to each person so furnishing a substitute, or to the family of any drafted man.

May pay certain moneys as bounties to volunteers.

Limit to bounty.

SECTION 2. This act shall take effect and be in force from and after its passage.

Approved February 23, 1865.

CHAPTER 60.

[*Published February* 27, 1865.]

AN ACT to legalize a tax voted at a special town meeting held in the town of Lind, county of Waupaca, on the 16th day of January, 1865, for the purpose of raising bounties to pay volunteers, and to authorize the collection of the same.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Bounty tax proceedings legalized.

SECTION 1. All the acts and proceedings of a special town meeting held in the town of Lind, in the county of Waupaca, on the sixteenth day of January, A. D. 1865, for the purpose of voting as pecial tax to enable said town to raise volunteers to fill its quota on the last call of the president of the United States for three hundred thousand more men, are hereby legalized and made valid.

Assessment and collection of tax.

SECTION 2. The town officers of said town are hereby authorized and empowered to forthwith assess and levy a special tax upon the present assessment roll of said town, and collect the same for the purpose of paying said volunteers: *provided*, that no more than two hundred dollars are paid to any one man.

Limit to bounty.

SECTION 3. This act shall take effect and be in force from and after its passage.

Approved February 23, 1865.

CHAPTER 61.

[*Published March* 2, 1865.]

AN ACT to vacate certain blocks and streets in the village of Poysippi, in the county of Waushara.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Vacated.

SECTION 1. All of blocks (1) one, (2) two, (3) three, (4) four, (5) five, (6) six, (7) seven, (11) eleven, (12) twelve, (19) nineteen, (20) twenty, (21) twenty-one and (24) twenty-four, and streets Rock, Walnut, Pine, Pros-

pect, Spring, and all of Wisconsin excepting what passes between blocks (8) eight and (17) seventeen, all of Mill street excepting what passes between blocks (9) nine, (10) ten, (15) fifteen and (16) sixteen, all of Popular street excepting what passes between blocks (8) eight and (9) nine, and all of Main street excepting what passes between blocks (10) ten, (11) eleven, (14) fourteen, (15) fifteen, (22) twenty-two and (23) twenty-three, in the village of Poysippi, in the county of Waushara, are hereby declared vacated, and shall be the same as though they had not been platted.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved February 23, 1865.

CHAPTER 62.

[*Published March* 2, 1865.]

AN ACT to extend the time for the collection of taxes in the town of Hamburg, Vernon county, Wisconsin.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. The time for the collection of taxes in the town of Hamburg, Vernon county, in this state, is hereby extended to the first day of April, A. D. 1865: *provided*, that the town treasurer of said town shall collect and pay over the state tax assessed in said town, as now required by law. Extended to April 1.

SECTION 2. The town treasurer of said town shall have the same power and authority to proceed in the collection of the taxes mentioned in the assessment rolls and warrants in said town, after as before such extension of time for the collection thereof; and said town treasurer may make his returns to the county treasurer of said county, at any time before the said first day of April, 1865, anything in such warrants to the contrary notwithstanding. Collection and return of taxes.

SECTION 3. This act shall take effect and be in force from and after its passage.

Approved February 23, 1865.

CHAPTER 63.

[*Published February* 27, 1865.]

AN ACT relative to Appleton city orders.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Orders that may be received in payment of certain tax.

SECTION 1. No city orders issued by the city of Appleton, Outagamie county, shall be received by the city treasurer of said city, in payment of the tax voted January 19th, 1865, to provide bounties to volunteers, unless such orders have been issued to pay volunteers under the last call of the president of the United States, and to fill the present quota of said city.

SECTION 2. This act shall take effect immediately.

Approved February 23, 1865.

CHAPTER 64.

[*Published February* 27, 1865.]

AN ACT to amend section nine of chapter one hundred and twenty-four of the revised statutes, entitled "of the manner of commencing civil actions."

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Upon whom summons must be served.

SECTION 1. Section nine of chapter one hundred and twenty-four of the revised statutes, is hereby amended, so as to read as follows, to wit: "The summons shall be served by delivering a copy thereof, as follows: 1st. If the action be against a minor, under the age of fourteen years, to such minor personally, and also to his father, mother or guardian, or if there be none within the state, then to any person having the care and control of such minor, or with whom he shall reside, or in whose service he shall be employed. 2d. If against a person judicially declared to be of unsound mind, or incapable of conducting his own affairs, in consequence of habitual drunkenness, and for whom a guardian or committee has been appointed, to such

guardian or committee, and to the defendant personally. 3d. If against a town, to the chairman of the board of supervisors and the town clerk, and if against a school district, to the director of such district and the clerk thereof. 4th. In all other cases, to the defendant personally, or, if not found, by leaving a copy thereof at his usual place of abode, in presence of some one of the family of suitable age and discretion, who shall be informed of the contents thereof."

SECTION 2. This act shall take effect and be in force from and after its passage.

Approved February 24, 1865.

CHAPTER 65.

[*Published March* 2, 1865.]

AN ACT to amend section thirty of chapter two hundred and sixty-four of the session laws of 1860, entitled "an act to amend chapter one hundred thirty-nine of the revised statutes, entitled 'of appeals, writs of error, and proceedings thereon,'" approved March 30, 1860.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Undertaking on appeal—amended.

SECTION 1. Section thirty of chapter two hundred and sixty-four of the general laws of 1860, entitled "an act to amend chapter one hundred and thirty-nine of the revised statutes, entitled 'of appeals, writs of error, and proceedings thereon,'" approved March 30th, 1860, is hereby amended, so as to read as follows: "Section 30. An undertaking upon an appeal shall be of no effect, unless it be accompanied by the affidavit of the sureties, in which each surety shall state that he is worth a certain sum mentioned in such affidavit, over and above all his debts and liabilities, in property not by law exempt from execution, and which sums so sworn to by such sureties, shall in the aggregate be double the amount specified in said undertaking. The respondent may, however, except to the sufficiency of the sureties within ten days after notice of the appeal, and unless they or other sureties justify before a judge of the court below, or a county judge, as prescribed in sections nineteen

Sufficiency of sureties may be excepted to.

and twenty of chapter one hundred and twenty-seven of the revised statutes, within ten days thereafter, the appeal shall be regarded as if no undertaking had been given. The justification shall be upon a notice of not less than five days."

SECTION 2. This act shall take effect and be in force from and after its passage.

Approved February 24, 1865.

CHAPTER 66.

[*Published February* 27, 1865.]

AN ACT to amend chapter 198 of the general laws of 1861, entitled "an act to provide for the publication of legal decisions," and to repeal chapter 232 of the general laws of 1862, entitled "an act to amend chapter 198 of the general laws of 1861, entitled 'an act to provide for the publication of legal decisions.' "

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Number of copies to be published, &c.

SECTION 1. Section three of chapter one hundred and ninety-eight of the general laws of 1861, is hereby amended, so as to read as follows: "The said reporter shall cause to be published at least six hundred copies of each volume, and shall deliver to the secretary of state four hundred copies of the same; and shall receive from the state the sum of four dollars and fifty cents for each volume, to be audited by the secretary of state, and paid by the state treasurer on the warrant of the secretary of state, out of any money in the treasury not otherwise appropriated."

Price.

SECTION 2. Section five of chapter one hundred and ninety-eight aforesaid, is hereby amended, so as to read as follows: "The said reporter shall sell said volumes at a sum not exceeding four dollars and fifty cents per volume to any resident of this state, and no greater price shall be received by said reporter or publisher, or by their agents or assigns, or either of them."

Repeal.

SECTION 3. Chapter two hundred and thirty-two of the general laws of 1862, entitled "an act to amend chapter one hundred and ninety-eight of the general

laws of eighteen hundred and sixty-one, entitled "an act to provide for the publication of legal decisions,'" (*be and* [*and*] *the same*) is hereby repealed.

SECTION 4. This act shall take effect and be in force from and after its passage and publication.

Approved February 24, 1865.

CHAPTER 67.

[*Published March* 2, 1865.]

AN ACT to vacate a certain portion of Kelley's addition to the village of Cambria, in Columbia county.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. That the portion of Kelley's addition to the village of Cambria, in the county of Columbia, which is contained in blocks number six (6,) fourteen (14) and fifteen (15,) and situate on section thirty-one (31,) in township number thirteen (13) north, of range number twelve (12) east, be hereby vacated: *provided*, that such vacation shall not in any wise affect or impair any assessment thereof heretofore made, nor any tax heretofore levied thereon, or levied on any lot, tract or parcel thereof. Vacated.

SECTION 2. This act shall take effect from and after its passage and publication.

Approved February 25, 1865.

CHAPTER 68.

[*Published March* 2, 1865.]

AN ACT to authorize the treasurer of the city of Oshkosh to retain the fees for the collection of taxes in the said city.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. The city treasurer of the city of Oshkosh May retain fees to amount of $1,200.

and twenty of chapter one hundred and twenty-seven of the revised statutes, within ten days thereafter, the appeal shall be regarded as if no undertaking had been given. The justification shall be upon a notice of not less than five days."

SECTION 2. This act shall take effect and be in force from and after its passage.

Approved February 24, 1865.

CHAPTER 66.

[*Published February* 27, 1865.]

AN ACT to amend chapter 198 of the general laws of 1861, entitled "an act to provide for the publication of legal decisions," and to repeal chapter 232 of the general laws of 1862, entitled "an act to amend chapter 198 of the general laws of 1861, entitled 'an act to provide for the publication of legal decisions.'"

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Number of copies to be published, &c.

SECTION 1. Section three of chapter one hundred and ninety-eight of the general laws of 1861, is hereby amended, so as to read as follows: "The said reporter shall cause to be published at least six hundred copies of each volume, and shall deliver to the secretary of state four hundred copies of the same; and shall receive from the state the sum of four dollars and fifty cents for each volume, to be audited by the secretary of state, and paid by the state treasurer on the warrant of the secretary of state, out of any money in the treasury not otherwise appropriated."

Price.

SECTION 2. Section five of chapter one hundred and ninety-eight aforesaid, is hereby amended, so as to read as follows: "The said reporter shall sell said volumes at a sum not exceeding four dollars and fifty cents per volume to any resident of this state, and no greater price shall be received by said reporter or publisher, or by their agents or assigns, or either of them."

Repeal.

SECTION 3. Chapter two hundred and thirty-two of the general laws of 1862, entitled "an act to amend chapter one hundred and ninety-eight of the general

laws of eighteen hundred and sixty-one, entitled "an act to provide for the publication of legal decisions,'" (*be and* [*and*] *the same*) is hereby repealed.

SECTION 4. This act shall take effect and be in force from and after its passage and publication.

Approved February 24, 1865.

CHAPTER 67.

[*Published March* 2, 1865.]

AN ACT to vacate a certain portion of Kelley's addition to the village of Cambria, in Columbia county.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. That the portion of Kelley's addition to the village of Cambria, in the county of Columbia, which is contained in blocks number six (6,) fourteen (14) and fifteen (15,) and situate on section thirty-one (31,) in township number thirteen (13) north, of range number twelve (12) east, be hereby vacated: *provided*, that such vacation shall not in any wise affect or impair any assessment thereof heretofore made, nor any tax heretofore levied thereon, or levied on any lot, tract or parcel thereof. Vacated.

SECTION 2. This act shall take effect from and after its passage and publication.

Approved February 25, 1865.

CHAPTER 68.

[*Published March* 2, 1865.]

AN ACT to authorize the treasurer of the city of Oshkosh to retain the fees for the collection of taxes in the said city.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. The city treasurer of the city of Oshkosh May retain fees to amount of $1,200.

CHAPTER 72.

[*Published March* 4, 1865.]

AN ACT to authorize the board of supervisors of St Croix county to appropriate to William Barker, late sheriff thereof, the sum of seventy-five dollars.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Authority to board.

SECTION 1. The board of supervisors of St. Croix county, in said state, are hereby authorized to appropriate to William Barker, late sheriff of said county, the sum of seventy-five dollars, to reimburse him for a reward of the same sum offered and paid by him, as such sheriff, for the apprehension of Adelbert Brockway, who broke jail in April, 1864, by reason of the insufficiency thereof.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved February 25, 1865.

CHAPTER 73.

[*Published March* 4, 1865.]

AN ACT to repeal chapter 227 of general laws of 1860, and to revive sections 3 of chapter 190 of the revised statutes, entitled "of prisoners generally, and common jails."

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Repeal.

SECTION 1. Chapter two hundred and twenty-seven of general laws of 1860, is hereby repealed.

Revived.

SECTION 2. Section 3 of chapter one hundred and ninety of the revised statutes, is hereby revived, reinstated and re-enacted in all its parts.

SECTION 3. This act shall take effect and be in force from and after its passage.

Approved February 25, 1865.

same as if the law had been fully complied with in conducting said election: *provided*, that not more than two hundred dollars shall be paid to any volunteer or to any person providing himself with a substitute. Limit to bounty.

SECTION 2. All acts of the officers of said city, and all acts of the common council, or either of them, in proceeding to collect said tax, are hereby legalized and declared valid. Acts of officers legalized.

SECTION 3. This act shall take effect and be in force from and after its passage.

Approved February 25, 1865.

CHAPTER 71.

[*Published March 4, 1865.*]

AN ACT relating to town officers, and amendatory of section 43 of chapter 15 of the revised statutes.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. Section forty-three of chapter fifteen of the revised statutes is hereby amended, by adding thereto the following words, to wit: "which statement shall show the postoffice address of the chairman of the board of supervisors, town treasurer, assessor and town clerk of said town." Postoffice address of town officers.

SECTION 2. This act shall take effect when published.

Approved February 25, 1865.

CHAPTER 75.

[*Published March* 4, 1865.]

AN ACT to amend section 1 of chapter 129 of the general laws of 1861, entitled "an act to amend chapter thirteen of [the] revised statutes, entitled 'of counties and county officers.'"

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Number of members of county board.

SECTION 1. Section one (1) of chapter three hundred and ninety-nine of the general laws of eighteen hundred and sixty-two (1862,) is hereby amended, so as to read as follows: "Section 1. The county board of supervisors of each of the organized counties of this state, shall consist of three electors, one to be elected in and for each of the supervisor districts hereinafter mentioned, by the qualified voters of such district; but in those counties which contain three or more assembly districts, there shall be elected one supervisor in and for each assembly district, by the qualified voters of such district; and in those counties where there are more than three and an even number of assembly districts, there shall be elected one additional supervisor for the county at large, by the qualified voters of such county.

First election—terms of office of supervisors.

At the first general election after the passage of this act, to wit: on the Tuesday succeeding the first Monday in November, A. D. 1865, those supervisors representing the even numbered district, together with the supervisors at large, shall be elected for the term of two years, and until their successors are elected and qualified, and those supervisors representing the odd numbered districts, for the term of one year, and until their successors are elected and qualified. At each succeeding election after the first, under this act, the supervisors shall be elected for the full term of two years. The first election under this act, shall be held on Tuesday succeeding the first Monday of November, in the year eighteen hundred and sixty-five."

Terms of office after first election.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved February 25, 1865.

CHAPTER 76.

[*Published March 4, 1865.*]

AN ACT to change the State bank of Wisconsin to a national banking association.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. The State bank of Wisconsin, located and doing business in the city of Milwaukee, and state of Wisconsin, is hereby authorized and empowered to change and convert its capital stock or organization into a national banking association, as hereinafter provided, under the general banking law of the United States, and according to the provisions of the forty-fourth section of the act of congress entitled "an act to provide a national currency, secured by a pledge of United States bonds, and to provide for the circulation and redemption thereof," approved June 3, 1864.

May organize under national banking law.

SECTION 2. Whenever the stockholders of said bank, owning at least two-thirds of the capital stock thereof, shall give their assent in writing, in due form of law, to change and convert said bank into a national banking association, and such assent having been filed in said bank, it shall and may be lawful for the directors thereof, or a majority of them, to proceed at once to change and convert the same into a national association, with such name and style as they may choose to adopt, and also to perfect the organization of such new association, in pursuance of and in accordance with the provisions of said act of congress, anything in the laws of this state to the contrary notwithstanding.

Assent of holders of two-thirds of stock necessary.

SECTION 3. Whenever the organization of such new association shall be complete under and in pursuance of said act of congress, all the property, personal and real, and of every kind and description, belonging to said State bank of Wisconsin, shall become and is hereby declared vested in the said national banking association, and the latter shall be deemed in law to be the successor of the former, so far as relates to its legal rights and remedies, and also its liabilities. And from thence and thereafter, the said State bank of Wiscon-

When property shall vest in new association.

Notes of old association may be retired by new.

sin shall cease to be subject to the law of this state under which it organized and had its existence, except so far as relates to the redemption of its circulating notes, and they may be retired by the new association in the mode and manner prescribed by the general banking law of this state, and the amendatory acts thereto: *provided, however*, that nothing in this act contained shall be so construed as to relieve the new association from the payment of the state tax, as now provided by law, until eighty per cent. of the circulating notes of said State bank of Wisconsin shall have been retired, pursuant to section eleven (11) of chapter seventy-one (71) of the revised statutes, and the acts amendatory thereof.

State tax.

SECTION 4. This act shall take effect and be in force from and after its passage and publication.

Approved February 27, 1865.

CHAPTER 77.

[*Published March* 4, 1865.]

AN ACT (*entitled an act*) to extend the time for collecting of taxes in the town of Osceola, in the county of Fond du Lac.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Extended to March 31.

SECTION 1. The time for collecting the taxes in the town of Osceola, in the county of Fond du Lac, is hereby extended until the thirty-first of March next, and the treasurer of said town shall have the same right to levy on property and sell the same within said time so extended, as is now allowed by law for such purposes: *provided*, that nothing contained in this act shall be construed to extend the time for the payment of the state tax, but it shall be paid as is now provided by law.

SECTION 2. This act shall take effect and be in force from and after its passage.

Approved February 27, 1865.

CHAPTER 78.

[*Published March* 4, 1865.]

AN ACT to authorize the collection of a bounty tax in the town of Emmet, Dodge county.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. The town board of supervisors of the town of Emmet, in Dodge county, are hereby authorized to apportion upon the assessment roll of said town for the year 1864, the sum voted by the electors of said town, on the 16th day of February, A. D. 1865, for the payment of bounties; and the tax so apportioned shall be collected and all proceedings incident thereto shall be had in the same manner and with the like effect as if said meeting had been held prior to the 15th day of February, A. D. 1865. Bounty tax authorized.

SECTION 2. This act shall take effect when published.

Approved February 27, 1865.

CHAPTER 79.

[*Published March* 8, 1865.]

AN ACT to detach a portion of the town of Roxbury, Dane county, and attach the same to the town of Mazomanie, in the same county.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. All that portion of township number nine (9) north, of range number six (6) east, being fractional sections numbers thirteen (13,) twenty-four (24,) and sections numbers twenty-five (25,) thirty-five (35) and thirty-six (36,) of said township, is hereby detached from the town of Roxbury, Dane county, and attached to and made a part of the town of Mazomanie, Dane county, for all purposes whatsoever: *provided*, that all taxes voted by said town of Roxbury for Portions detached and attached. Where certain taxes payable

bounty purposes, and provided to be levied upon the taxable property of the above described portion of said township, and hereafter collected, shall be paid to and collected by the town treasurer of the said town of Roxbury, in the same manner as if said portion had not been detached from said town by this act.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved February 27, 1865.

CHAPTER 80.

[*Published March* 8, 1865.]

AN ACT to authorize Eugene V. Bogart to hold and dispose of real and personal property.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

May hold and convey real estate.

SECTION 1. Eugene V. Bogart, a minor, aged twenty years, residing in the city of Beaver Dam, in the county of Dodge, in this state, may hold, grant, bargain, sell, release, convey, devise and bequeath real and personal property, and any right, title, interest and profits thereof, and may transact any and all other business, in like manner and with like force and effect as if he were of lawful age.

SECTION 2. This act shall take effect and be in force from and after its passage.

Approved February 27, 1865.

CHAPTER 81.

[*Published March* 8, 1865.]

AN ACT to extend the time for the collection of taxes in the city of Janesville, county of Rock, and state of Wisconsin.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. The time for the collection and return of the state, county and bounty taxes in the city of Janesville, Rock county, is hereby extended until the first day of April, A. D. 1865, and the tax warrant now in the hands of the city treasurer, shall be in full force until the said first day of April, A. D. 1865, for all the purposes of collecting, levying distress and sale, and returning of said taxes: *provided*, that nothing in this act shall be construed to extend the time for the payment of the state tax to the county treasurer, as now provided by law.

Extended to April 1.

Not to apply to state taxes.

SECTION 2. This act shall take effect and be in force from and after its passage.

Approved February 27, 1865.

CHAPTER 82.

[*Published March* 8, 1865.]

AN ACT to incorporate the Northwestern mining, smelting and manufacturing company.

(*See supplement to local laws.*)

CHAPTER 83.

[*Published March* 8, 1865.]

AN ACT to amend section one of chapter twenty-four of the general laws of 1865, entitled "an act to change the time for holding the general terms of the circuit court for the sixth judicial circuit."

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

General terms.

SECTION 1. Section one of chapter twenty-four of the general laws of eighteen hundred and sixty-five, is hereby amended, so as to read as follows: "Section 1. The general terms of the circuit court for the sixth judicial circuit, shall hereafter be held as follows: In the county of Clark, on the first Monday of March, and the first Monday of September, in each year; in the county of Jackson, on the second Monday of March, and the second Monday of September, in each year; in the county of Monroe, on the fourth Monday of March, and the fourth Monday of September, in each year; in the county of La Crosse, on the fourth Monday of April, and the second Monday of November, in each year; in the county of Vernon, on the second Monday of April, and the first Monday of December, in each year; in the county of Buffalo, on the second Monday of May, and the second Monday of October, in each year; in the county of Trempealeau, on the third Monday of May, and the third Monday of October, in each year."

Clark county. Jackson. Monroe. La Crosse. Vernon. Buffalo. Trempealeau.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 2, 1865.

CHAPTER 84.

[*Published March* 8, 1865.]

AN ACT to enable the county of Calumet to obtain certain records therein named.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. The register of deeds of the county of Calumet is hereby authorized and required to procure from the proper records or offices of the county of Brown, true and exact copies of the records of all deeds, mortgages and other instruments recorded in said county, which relate to or affect lands or real estate in said county of Calumet, and like copies of the original maps and lists of allotment of the Stockbridge and Brothertown reservations, in said county, and that he record the same in the book or books of said county.

Register of deeds of Calumet may obtain records of certain deeds, mortgages, &c., in Brown county

SECTION 2. The register of deeds and clerk of the circuit court of said county of Brown, shall affix to such copies of the records and maps and lists of allotment in their respective offices, certificates under oath, stating that the same are true and perfect copies of the original records in said offices; and when thus certified, such copies, duly recorded, shall have the same effect as the original records: *provided*, that when any of such original records, maps and lists of allotment are no part of the records of the county of Brown, and the said register and clerk of said court of said county shall not deem the same necessary to be retained in their respective offices, they shall be delivered over to the register of deeds of the county of Calumet.

Authentication of records.

Certain originals may be delivered to said register.

SECTION 3. The register of deeds of Calumet county, and the register of deeds and clerk of the circuit court of said county of Brown, shall each be paid from the treasury of the county of Calumet, for discharging the duties herein enjoined upon each, respectively, such compensation as by law he is entitled to receive for like services.

Compensation.

SECTION 4. This act shall take effect and be in force from and after its passage.

Approved March 2, 1865.

CHAPTER 85.

[*Published March* 8, 1865.]

AN ACT to authorize the town of East Troy, in the county of Walworth, to raise money by tax to pay bounties to persons who have furnished substitutes in the military service of the United States.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

May pay bounties to volunteers, not to exceed $200.

SECTION 1. The qualified electors of the town of East Troy, in the county of Walworth, shall have power, at the next annual meeting, to vote such bounties as they may deem proper, not exceeding two hundred dollars each, to such persons, residents of said town, as shall have before being drafted, procured substitutes for themselves, under the call of the president of the United States, of July, 1864, for 500,000 men, and had them credited to said town under said call, and may vote to raise by tax a sum of money sufficient to pay such bounties, and interest thereon at the rate of seven per cent. per annum; the vote for raising said tax to be taken at the same time and in the same manner as other taxes for town purposes are voted at said meeting, which tax, so voted, shall be inserted and collected in the next annual tax roll of said town, and paid out on the orders hereinbefore mentioned.

May issue town orders.

SECTION 2. The town board of supervisors shall draw orders on the treasurer of the town, in favor of and payable to such person as shall have furnished a substitute, as hereinbefore provided, to the amount of the bounty voted at said town meeting, with interest at the rate of seven per cent. per annum, which order shall be delivered to the persons entitled to the bounty so voted.

SECTION 3. This act shall take effect and be in force from and after its passage.

Approved March 2, 1865.

CHAPTER 86.

[*Published March* 8, 1865.]

AN ACT to legalize all the acts of a special town meeting held for the purpose of voting taxes to pay bounties to volunteers, in the town of Monroe, in Green county.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. All the acts of a special town meeting held in the town of Monroe, in the county of Green, on the 16th day of January, 1865, for the purpose of voting taxes to pay bounties to volunteers, and at which meeting four thousand dollars was voted to be raised to pay bounties to volunteers enlisting under the last call of the president, and becoming credited to the town of Monroe, in sums not exceeding two hundred dollars to each volunteer, and three thousand dollars to pay bounties to veteran soldiers who have heretofore re-enlisted and become credited to said town of Monroe, in sums not exceeding one hundred dollars each, are hereby legalized and declared to be valid and binding for all purposes whatever. Bounty tax proceedings legalized.

SECTION 2. This act shall take effect and be in force from and after its passage.

Approved March 8, 1865.

CHAPTER 87.

[*Published March* 8, 1865.]

AN ACT to extend the time for the collection of taxes in the town of Pulaski, in the county of Iowa.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. The time for the collection of the taxes of 1864, in the town of Pulaski, in the county of Iowa, and for making return thereof to the treasurer of said county, is hereby extended until the 20th day of March, 1865. Extended to March 20.

SECTION 2. This act shall take effect and be in force from and after its passage.

Approved March 3, 1865.

CHAPTER 88.

[*Published March* 4, 1865.]

AN ACT to amend chapter eleven of the laws of the extra session of the year 1862, entitled "an act to enable the militia and volunteers of this state, when in the military service of the United States or of this state, to exercise the right of suffrage."

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Soldiers who are qualified electors of this state, may exercise the right of suffrage out of the state.

SECTION 1. Section one of chapter eleven of the general laws of this state, passed at the extra session of the legislature in the year 1862, entitled "an act to enable the militia and volunteers of this state, when in the military service of the United States or this state, to exercise the right of suffrage," is hereby amended, so that the same shall read as follows: "All qualified electors of this state who shall be in the actual military service of the United States or of this state, either within this state or without the same, on the Tuesday next succeeding the first Monday in November, in any year, shall be entitled to exercise the right of suffrage at any general election to be held pursuant to any law of this state on that day, at the several posts, camps, hospitals or places where said electors may be on that day, as fully as if such electors were present at the places in this state where such election may be held, and where such persons would be entitled to vote, any provisions of law now in force to the contrary notwithstanding; and all such qualified electors, either within this state or without the same, on the first Tuesday of April, shall be entitled to exercise the right of suffrage at any election of judges of the county or circuit courts, and for justices of the supreme court, held pursuant to law on that day in the county of which such electors shall be residents, in such places and in such manner as is prescribed in this act for the exercise of the right of suffrage of such electors at any general election:

provided, that this section shall not extend to and include any person in the regular and standing army of the United States.

Not applicable to persons in regular service.

SECTION 2. Section three of said chapter eleven is hereby amended, so that the same shall read as follows: "The vote shall be taken by companies in all cases, except as otherwise provided by this act; and when taken by companies, the three ranking officers in each company of infantry or cavalry, or battery of artillery, shall act as inspectors of election held under the provisions of this act. In case of the absence or inability, or refusal to act, of any of the officers hereinbefore named, their duties as inspectors shall be performed by the officers next in rank. The officer highest in rank acting as inspector of election in such company, shall be chairman of the board of inspectors. The inspectors of each company shall make a separate canvass and statement of the result, in writing, of the votes cast by such company, and of all others rightfully voting at such polls, as hereinafter provided. The regimental and staff officers of each regiment shall be entitled to vote at the polls in any company of the regiment to which they belong; and all company or regimental and staff officers, and all other electors detached and absent from their companies or regiments, or in any military or naval hospital, or in any vessel or navy yard, may vote at such other polls as may be most convenient for them; and persons not members of any company, who are entitled to vote under the provisions of this act, may vote with the company or at the poll nearest where they may be on the day of such election; and when there shall be ten or more electors at any place, who shall for any cause be unable to attend any company poll as aforesaid, the electors present may open a poll at such place as they may select; and such electors present before opening the poll shall elect, *viva voce*, three electors present as inspectors of election, and shall designate which of such inspectors so elected shall be chairman of such board of inspectors.

How vote to be taken, inspectors of election, &c.

Where regimental officers may vote.

Where detachments may vote.

Detachment of ten or more, may open a poll.

SECTION 3. Section four of said chapter eleven is hereby amended, so that the same shall read as follows: "The inspectors of election under the provisions of this act, shall appoint two electors to act as clerks of election."

Clerks of election.

SECTION 4. Section six of said chapter eleven is

Opening and closing of polls.

hereby amended, so that the same shall read as follows: "The polls of the election shall be opened and closed at such hours as the inspectors shall agree upon: *provided*, that time shall be given for all electors entitled to vote thereat to vote."

Names of voters to be sent to clerks of boards.

SECTION 5. Section twelve of said chapter eleven is hereby amended, by adding thereto as follows, to wit: "and also a certified statement showing the name, residence, company, regiment or battery of each person who shall appear by the poll lists on file in his office, to have voted at said election, as a resident of said county."

Blanks, &c. to be sent to detachments.

SECTION 6. Section eighteen of said chapter eleven is hereby amended, by adding thereto the following: "and also to electors on detached service, special duty, sick in general hospital, and to such other electors, wherever the same may be, so far as may be in his power, he shall send like blanks, copy of the act of which this act is amendatory, as amended by this act, and extracts from the general election laws, and the necessary instructions."

SECTION 7. This act shall take effect and be in force from and after its passage and publication.

Approved March 8, 1865.

CHAPTER 89.

[*Published March* 8, 1865.]

AN ACT to amend section 20 of chapter 19 of the revised statutes, entitled "of highways and bridges."

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Overseers may be removed.

SECTION 1. Section twenty of chapter nineteen of the revised statutes of this state, entitled "of highways and bridges," is hereby amended, by adding thereto: "and the said supervisors may remove such overseer, and appoint some other person in his stead, as in case of a vacancy."

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 8, 1865.

CHAPTER 90.

[*Published March* 8, 1865.]

AN ACT to legalize the election of trustees of "the Evansville cemetery association," and to reorganize and revive the said corporation.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. The election of Elijah Robinson, Henry G. Spencer, Levi Leonard, Samuel Cadwallader and David L. Mills, as trustees of "the Evansville cemetery association," at a meeting called and held by the proprietors of lots in said cemetery, for that purpose, in Evansville, in Rock county, on the sixth day of February, 1865, and the classification of said trustees elect at said meeting, by the chairman and secretary thereof, are hereby declared legal and valid; and the said association having been heretofore organized under and by virtue of chapter sixty-seven of the revised statutes, and not having held a meeting to elect trustees for the last six years, is hereby revived and reorgnized, and the property and franchises of said corporation are hereby declared to continue, and vest in the said corporation hereby revived and reorganized, and [shall] be under the management and control of the said trustees elect and their successors, in the same manner and with the like effect as if the said corporation had held an election annually, and elected and appointed trustees and officers of the said corporation, as required by said chapter sixty-seven of the revised statutes: *provided*, that nothing in this act contained shall be construed to legalize or in any manner affect the acts and doings of the late officers of the said corporation.

Election, &c. of trustees legalized.

Association revived.

Proviso.

SECTION 2. The secretary appointed by the said trustees elect, is hereby authorized to enter at length in the records of said corporation, the minutes and proceedings of said meeting and election of trustees, held February 6th, 1865, as aforesaid, together with the call or notice for said meeting, signed by the proprietors of lots in the said cemetery; and when so recorded, the same shall be part of the records of the said corporation.

Record of proceedings of meeting.

SECTION 3. This act shall take effect and be in force from and after its passage.

Approved March 3, 1865.

CHAPTER 91.

[*Published March* 8, 1865.]

AN ACT to legalize the official acts of Francis L. Warner, a justice of the peace of the town of Sun Prairie, in the county of Dane.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Legalized.

SECTION 1. All the official acts and duties of Francis L. Warner, who was duly elected a justice of the peace, in April, eighteen hundred and sixty-four, of the town of Sun Prairie, in the county of Dane, are hereby legalized and made as valid, for said year eighteen hundred and sixty-four, as though the said Francis L. Warner had caused his official bond and oath to be filed within the time prescribed by the statutes of this state.

SECTION 2. This act shall take effect and be in force from and after its passage.

Approved March 3, 1865.

CHAPTER 92.

[*Published March* 8, 1865.]

AN ACT to extend the time for the collection of taxes in the town of Little Wolf, in the county of Waupaca.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Extended to March 31.

SECTION 1. The time for collecting the taxes in the town of Little Wolf, in the county of Waupaca, is hereby extended until the thirty-first of March next, and the treasurer of said town shall have the

same right to levy on property and sell the same within said time so extended, as is now allowed by law for such purposes: *provided*, that nothing contained in this act shall be construed to extend the time for the payment of the state tax, but it shall be paid as is now provided by law.

SECTION 2. This act shall take effect and be in force from and after its passage.

Approved March 3, 1865.

CHAPTER 93.

[*Published March* 8, 1865.]

AN ACT to authorize the collection of a tax in the town of Clyman, in the county of Dodge, to pay bounties to volunteers.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. The town clerk of the town of Clyman, in the county of Dodge, is hereby authorized and required to make out a tax roll upon the real and personal property, as contained in the assessment roll of the year 1864, in and for the said town, for the amount determined to be raised in said town, at a special town meeting held in said town, on the 27th day of February, 1865. Tax roll.

SECTION 2. The town treasurer of the said town, is hereby authorized and required to proceed forthwith to collect the said tax within ten days after receiving the said tax roll, and to make return thereof as in other cases of the collection and return of general taxes. Collection of tax. Nothing in this act shall be so construed as to allow of the payment of more than two hundred dollars to any volunteer, or person providing himself with a substitute. Limit to bounties.

SECTION 3. This act shall be in force from and after its passage.

Approved March 3, 1865.

CHAPTER 97.

[*Published March* 9, 1865.]

AN ACT to legalize the proceedings of the town of Oak Creek, in the county of Milwaukee, in relation to raising money by tax to procure volunteers.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Preamble.

SECTION 1. Whereas, the town of Oak Creek, in the county of Milwaukee, did, on or about the 27th day of February, 1864, vote to raise a tax of three thousand dollars, to pay bounties to volunteers for the military service of the United States, to fill the quota of said town, and did also, on or about the 5th day of April, 1864, at the annual town meeting in said town, vote to raise two thousand dollars more, making an aggregate of five thousand dollars, and of this amount so voted to be raised, three thousand five hundred and sixty-one dollars have been levied and collected on the taxable property in said town, and expended in procuring volunteers to apply on the quota of said town, leaving one thousand four hundred and thirty-nine dollars, as balance of the sums voted to be raised, not yet levied and collected; and whereas, said town of Oak Creek did, on or about the 13th day of August, 1864, vote to raise ten thousand dollars more for the same purpose as above stated, and the supervisors of said town have issued town orders for the full amount of the ten thousand dollars so voted to be raised, and have, in part, used such town orders in paying bounties to volunteers to fill the quotas of said town, and are now using the remaining part of such town orders to fill the quota of said town under the last call of the president of the United States for three hundred thousand men:

Tax authorized.

Therefore, the proper town officers of said town are hereby authorized and empowered to levy and collect on the taxable property in said town of Oak Creek, the full sum of eleven thousand four hundred and thirty-nine dollars, being for the sum of ten thousand dollars voted to be raised on or about the 13th day of August, 1864, and for which town orders have been issued as aforesaid, and the balance, one thousand four hundred and thirty-nine dollars, voted to be raised on

to be issued by the city of Green Bay, under chapter one hundred and fifty-one of the general laws of 1861, bearing interest at eight per cent. per annum: *provided*, that the same have been or shall be issued for the purpose of taking up and canceling the old "plank road bonds" of said city, bearing eight per cent. interest per annum, are hereby declared to be lawful and binding, as if chapter two hundred and fifty-two of the general laws of the year 1862 had not been enacted.

SECTION 3. This act shall take effect and be in force from and after its passage.

Approved March 7, 1865.

CHAPTER 96.

[*Published March* 9, 1865.]

AN ACT to repeal chapter 22, general laws 1863, providing for the expenditure of the drainage fund in the town of Cold Spring, in Jefferson county.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. Chapter twenty-two of the general laws of 1863, providing for the expenditure of the drainage fund in the town of Cold Spring, in Jefferson county, is hereby repealed. Repeal.

SECTION 2. This act shall take effect and be in force from and after its passage.

Approved March 7, 1865.

CHAPTER 98.

[*Published March* 9, 1865.]

AN ACT to legalize the acts of a special election held on the 28th day of January, 1865, in the town of Turtle, Rock county, Wisconsin, and authorizing the collection of the tax voted at said election.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Bounty tax proceedings legalized.

SECTION 1. The special election held in the town of Turtle, Rock county, Wisconsin, on the 28th day of January, 1865, for the purpose of raising a special tax to pay bounties to volunteers enlisting into the military service of the United States, is hereby declared legal and valid for all the intents and purposes for which the same was held; and all acts done in pursuance of the vote or votes of said election, by the officers of said town, or any of them, are hereby declared valid, the same as if the law had been fully complied with in conducting said election: *provided*, that not more than two hundred dollars shall be paid to any volunteer, or person providing himself with a substitute.

Limit to bounties.

Collection of tax legalized.

SECTION 2. All acts of the officers of said town, in proceeding to collect said tax, are hereby legalized and declared valid.

SECTION 3. This act shall take effect and be in force from and after its passage.

Approved March 7, 1865.

CHAPTER 99.

[*Published March* 11, 1865.]

AN ACT to legalize a special city election in the city of Beaver Dam, and to authorize the issue of scrip.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Election legal-

SECTION 1. The special election held in the city of Beaver Dam, Wisconsin, on the 9th day of January,

1865, for the purpose of raising money by tax to pay bounties to volunteers who should thereafter enlist in the service of the United States, and become credited to said city, to fill its quota under the late call of the president of the United States for 300,000 men, bearing date December 19th, 1864, for volunteers for the military service of the United States, and all votes, acts and resolves of and at said election, are hereby declared legal and valid for all intents and purposes for which said election was held.

Levy and collection of tax.

SECTION 2. The common council of the said city of Beaver Dam are hereby empowered and authorized to levy and collect said tax so voted, or so much thereof as shall be necessary to redeem the scrip or orders hereinafter mentioned; said tax to be levied and collected in the same manner and at the same time as provided in and by chapter 14 of the laws of Wisconsin, for the year 1865, approved and published February 2d, 1865, with the exception that no return shall be made of delinquent taxes and lands by the city treasurer to the county treasurer; but the proceedings with regard thereto, shall be the same as provided by the existing laws with regard to other taxes and tax sales in said city, except, and it is hereby enacted, said sales shall be made by said city treasurer, on like notice and at the same time as the sales of lands for state and county taxes by county treasurers throughout the state; and the proceeds of said tax, when collected, shall be used to redeem the scrip or orders mentioned in this act.

City scrip may be issued.

SECTION 3. The common council of said city of Beaver Dam are hereby authorized and empowered to issue city scrip or orders, (under the corporate seal of said city,) bearing interest at not more than seven per cent., to such an amount as may be requisite to fill the quota of said city, not exceeding the amount voted at such an election, to wit: $10,000, nor the sum of $200 to each volunteer as aforesaid, duly enlisted and credited to said city under said call; and such scrip or orders shall be made payable at such time or times and at such place as said common council may determine, within the period or periods limited for the collection of such taxes; and such scrip or orders shall be receivable in payment of any taxes of said city at any time after the same shall become due and payable.

Action of council legalized.

SECTION 4. The action of the common council of

said city, had on the 23d day of January, 1865, authorizing the issue of city scrip to pay said bounties, is hereby declared valid and legal, and fully ratified, and all scrip issued or hereafter issued in accordance therewith, is hereby declared valid and legal, the same as if the same were hereafter issued, and in accordance with the provisions of section three of this act, and shall be subject to the same restrictions and provisions, and collected and redeemable in the same manner, as scrip issued in accordance therewith.

Ibid.

SECTION 5. All acts and resolutions of said common comncil of said city of Beaver Dam, relative to and for the purpose of the levy and collection of said tax, had subsequently to said election and prior to the passage, approval and publication of this act, are hereby declared valid and legal, the same as if done subsequently to the passage hereof; and said acts and resolutions relative to the levy and collection of said tax, shall be enforced and carried out in the manner, and subject to the restrictions, and for the purposes in this act provided.

Application of tax.

SECTION 6. The said tax shall not be levied or the proceeds thereof used for any other purpose except as in this act hereinbefore provided.

Repeal.

SECTION 7. All acts and parts of acts so far as they contravene this act, are hereby repealed.

SECTION 8. This act shall take effect and be in force from and after its passage and publication.

Approved March 7, 1865.

CHAPTER 100.

[*Published March* 9, 1865.]

AN ACT to legalize the acts of a special town meeting held on the 18th day of February, A. D. 1865, in the town of Raymond, Racine county, to raise bounty to pay volunteers.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Bounty tax proceedings legal.

SECTION 1. The special town meeting of the town of Raymond, in Racine county, held on the 18th day

February, A. D. 1865, for the purpose of raising a tax to pay bounty to volunteers who may enlist in the service of the United States, is hereby declared valid and legal for all the intents and purposes for which the same was held; and all acts done and all orders issued or that may be issued in pursuance of the vote or votes of said meeting, are hereby declared valid and legal for all the intents and purposes for which the same was held, the same as if the law had been fully complied with in conducting said meeting: *provided*, that no more than $200 were voted or paid to any one volunteer. Limit to bounties.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 7, 1865.

CHAPTER 101.

[*Published March* 16, 1865.]

AN ACT to incorporate the Portage city and Baraboo valley railroad company.

(*See supplement to local laws.*)

CHAPTER 102.

[*Published March* 10, 1865.]

AN ACT to incorporate the Lee's firearms company.

(*See supplement to local laws.*)

CHAPTER 103.

[*Published March* 18, 1865.]

AN ACT to incorporate the Turners' society of La Crosse.

(*See supplement to local laws.*)

CHAPTER 104.

[*Published March* 20, 1865.]

AN ACT to provide for laying out a state road from Maiden Rock, in Pierce county, to Menomonee, in Dunn county.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Commissioners.

SECTION 1. George K. Irvine, Andrew O. Bailey and Hiram N. Wood, are hereby appointed commissioners to lay out and establish a state road from Maiden Rock, in Pierce county, to Menomonee, in Dunn county.

Their compensation.

SECTION 2. The said commissioners shall receive for laying out said road such compensation for their services, from the counties through which said road shall pass, as the supervisors of such counties shall deem just and reasonable; but no money shall be paid out of the state treasury therefor.

SECTION 3. This act shall take effect and be in force on and after its passage.

Approved March 8, 1865.

CHAPTER 105.

[*Published March* 21, 1865.]

AN ACT to incorporate the Crawford county woolen company.

(*See supplement to local laws.*)

CHAPTER 106.

[*Published March* 20, 1865.]

AN ACT to incorporate the Humanitaets-verein (Humane association,) in the town of Farmington, county of Washington, state of Wisconsin.

(*See supplement to local laws.*)

CHAPTER 107.

[*Published March* 20, 1865.]

AN ACT to legalize the official acts of the boards of supervisors of the towns of La Fayette and Angelo, in Monroe county, Wisconsin.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. All the official acts of the supervisors of the towns of La Fayette and Angelo, in Monroe county, Wisconsin, in paying bounties to volunteers under the call of the president of the United States for 500,000 volunteers, in July, 1864, are hereby legalized and made as binding and of as full force, as if all the requirements of the law had been complied with; and said supervisors and each of them are hereby relieved from any and all liability on account of such acts, respectively. Bounty tax proceedings legalized.

SECTION 2. This act shall take effect and be in force from and after its passage.

Approved March 8, 1865.

CHAPTER 108.

[*Published March* 20, 1865.]

AN ACT to extend the time for the collection of taxes in the town of La Fayette, Monroe county.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. The time for the collection of taxes in the town of La Fayette, in the county of Monroe, for (*A. D.*) 1864, is hereby extended until the fourth Monday in March, A. D. 1865: *provided*, that this act shall not be so construed as to extend the time for the payment of state taxes. Extended to March 27.

SECTION 2. The treasurer of said town shall have the same power and authority to collect the taxes contained in said town tax roll, after as before such exten- Power of treasurer.

sion of time for the collection of said taxes; and the return of the said town treasurer to the county treasurer, within the time limited for the collection of taxes by this act, shall be as valid as if made in pursuance of the direction contained in the original warrant.

SECTION 3. This act shall take effect and be in force from and after its passage.

Approved March 8, 1865.

CHAPTER 109.

[*Published March* 20, 1865.]

AN ACT to extend the time for the collection of taxes in the town of Port Washington, in the county of Ozaukee, for the year (*A. D.*) 1864.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Extended to March 17.

SECTION 1. The time for the collection of taxes in the town of Port Washington, in the county of Ozaukee, for (*A. D.*) 1864, is hereby extended to the 17th day of March, A. D. 1865: *provided*, that this act shall not be so construed as to extend the time for the payment of state taxes.

Power of treasurer.

SECTION 2. The treasurer of said town shall have the same power and authority to collect the taxes contained in said town tax roll after as before such extension of time for the collection of such taxes; and the return of the town treasurer to the county treasurer, within the time limited for the collection of taxes by this act, shall be as valid as if made pursuant to the direction of the original warrant.

SECTION 3. This act shall take effect and be in force from and after its passage.

Approved March 8, 1865.

CHAPTER 110.

[*Published March* 21, 1865.]

AN ACT to extend the time for the collection of taxes in the town of Fox Lake, in the county of Dodge.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. The time for the collection of taxes in the town of Fox Lake, in the county of Dodge, is hereby extended until the first day of April, A. D. 1865; and the treasurer of the said town of Fox Lake is hereby authorized to proceed in the collection of the taxes now in his hands for collection, in the same manner and with the same authority, until the said first day of April, as now provided by law for the collection of taxes: *provided*, that nothing in this act shall be construed as extending the time for the payment to the county treasurer of the state tax of said town. Extended to April 1. Power of treasurer.

SECTION 2. This act shall take effect and be in force from and after its passage.

Approved March 8, 1865.

CHAPTER 111.

[*Published March* 20, 1865.]

AN ACT relating to a state road in Manitowoc county, and amendatory of section one of chapter 218 of the local [general] laws of 1861, entitled "an act to provide for the laying out of a state road from the village of Manitowoc, in the county of Manitowoc, by the way of the village of Kiel, in Manitowoc county, to the village of Taycheedah, in the county of Fond du Lac," and of section two of chapter 227 of the local [general] laws of 1863, amendatory thereof.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. That section one of chapter two hundred and eighteen of the local [general] laws of 1861, as amended by section one, chapter two hundred and twenty-seven of the local [general] laws of 1863, be and Amendment.

the same is hereby amended, so as to read as follows:

Commissioners. "Henry F. Belitz, of Manitowoc county, Ferdinand Reummele, of Sheboygan county, and Joseph Wagner, of Fond du Lac county, are hereby appointed commissioners to lay out and establish a state road from the village of Kiel, in the county of Manitowoc, to the village of Taycheedah, in the county of Fond du Lac: *provided*, that no liability be created against the state."

Acts declared void. SECTION 2. That the acts of the said commissioners in surveying and laying out a road under and in pursuance of the provisions of the said acts of which this is amendatory, from the said village of Kiel to the said village of Manitowoc, be and the same are hereby declared null and void.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved March 8, 1865.

CHAPTER 112.

[*Published March* 21, 1865.]

AN ACT to detach Dallas county from the eleventh judicial circuit, and attach the same to the eighth judicial circuit.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Detached and attached. SECTION 1. The county of Dallas is hereby detached from the eleventh judicial circuit, and the same is attached to the eighth judicial circuit.

Repeal. SECTION 2. All acts or parts of acts inconsistent with this, are hereby repealed, and this act shall take effect on and after its passage.

Approved March 8, 1865.

CHAPTER 113.

[*Published March* 20, 1865.]

AN ACT relating to guardians and wards, and amendatory of section three, chapter 112 of the revised statutes.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

In what cases judge may appoint guardian.

SECTION 1. Section three of chapter one hundred and twelve (112) of the revised statutes, is hereby amended, so as to read as follows: "Section 3. If the guardian nominated by such minor, shall not be approved by the judge, or if the minor shall reside out of this state, or, being a resident of this state, shall be absent therefrom in the military service of the state or the Unite States, or, if after being cited by the judge, he shall neglect for ten days to nominate a suitable person, the judge may nominate and appoint the guardian in the same manner as if the minor were under the age of fourteen years."

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 8, 1865.

CHAPTER 114.

[*Published March* 28, 1865.]

AN ACT to enable the town of Empire, Fond du Lac county, Wisconsin, to raise money by tax to pay certain claims.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Vote may be taken on proposition to pay certain sum of money to James H. Haight.

SECTION 1. The qualified electors of the town of Empire, Fond du Lac county, Wisconsin, shall have power, at their next annual town meeting after the passage of this act, to vote to raise by tax, (to be levied upon the taxable property of said town,) a sum not to exceed nine hundred dollars, to be paid in liquidation of a certain claim of James H. Haight, chairman of the board of supervisors of said town, for moneys ex-

pended by him in procuring volunteers into the military service of the United States, to fill the quota of said town, under the call of the president for 500,000 men, dated July 18th, 1864.

Notice of proposition.

SECTION 2. Upon presentation of a written petition to the board of supervisors, signed by five or more qualified electors and freeholders of said town, setting forth the purpose for which such sum of money is to be so voted and raised, the said supervisors shall cause notice thereof to be posted in at least three public places in said town, for at least five days prior to such meeting, which notice shall have embodied in it the petition so presented to said supervisors, and also that the qualified electors of said town will be called upon to vote at said annual town meeting, upon the question of raising money as contemplated by section one of this act.

Form of ballots.

SECTION 3. Notice having been given as set forth in section two of this act, the said supervisors shall prepare and cause to be present at such town meeting, a ballot box, and shall call upon said electors to deposit therein a ballot, upon which shall be written or printed the words, "for the bounty tax," or "against the bounty tax."

If vote in favor of proposition, tax to be levied and collected.

SECTION 4. If a majority of the legal voters of said town who shall vote upon the question in pursuance of the provisions of this act, shall be "for the bounty tax," as indicated by the official canvass of said votes, it shall be the duty of said board of supervisors of said town to apportion and carry out upon the assessment roll of said, town for the year 1865, the tax so voted, which tax shall be collected the same as other town taxes are collected, and when so collected, shall be paid by the treasurer of said town in liquidation of the claim set forth in section one of this act.

SECTION 5. This act shall take effect and be in force from and after its passage.

Approved March 8, 1865.

CHAPTER 115.

[*Published March 28, 1865.*]

AN ACT to legalize a special town meeting in the town of Reedsburg, held February 14th, 1865.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. All of the proceedings of a special town meeting held in the town of Reedsburg, Sauk county, on the 14th day of February, 1865, for the purpose of voting bounties to volunteers, and for the support of the families of volunteers and drafted men, and also of the supervisors of said town in the disbursement of said fund raised at said meeting, are hereby declared legal and valid: *provided*, that nothing herein shall legalize or sanction the payment of any more than two hundred dollars bounty to any one volunteer, or person furnishing himself a substitute. Bounty tax proceedings legalized. Limit to bounty.

SECTION 2. This act shall take effect and be in force from and after its passage.

Approved March 9, 1865.

CHAPTER 116.

[*Published March 28, 1865.*]

AN ACT to authorize Carrie A. Rugg, a minor, to convey her real estate.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. Carrie A. Rugg, of the city of Hudson, in this state, a minor, of about the age of twenty years, is hereby authorized and empowered to grant, convey, contract for the conveyance of, or mortgage any or all of the real estate of which she is seized, or in which she may have any interest, either in this state or any other, in the same manner and with like effect as though she were of the full age of twenty-one years. May convey real estate, &c.

SECTION 2. All contracts, conveyances or mortga- Validity of contracts, &c.

ges made by the said Carrie A. Rugg, under and by virtue of section one of this act, shall have the same force and effect in the law as though she were fully twenty-one years of age.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved March 9, 1865.

CHAPTER 117.

[*Published March* 28, 1865.]

AN ACT to extend the time for the collection of taxes in the town of Porter, in the county of Rock.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Extended to March 20.

SECTION 1. The time for the collection of taxes in the town of Porter, in the county of Rock, and state of Wisconsin, for the year (*of*) 1864, is hereby extended until the 20th day of March, 1865: *provided*, this act shall not affect the collection and paying over of the state taxes of said town.

SECTION 2. This act shall take effect and be in force from and after its passage.

Approved March 9, 1865.

CHAPTER 118.

[*Published March* 25, 1865.]

AN ACT to incorporate the Appleton northwestern petroleum company.

(*See supplement to local laws.*)

CHAPTER 119.

[*Published March* 25, 1865.]

AN ACT to legalize the acts of a special town meeting held on the 13th day of February, 1865, in the town of Avon, Rock county, Wisconsin, and the proceedings of the officers in pursuance thereof.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. The special town meeting of the town Avon, Rock county, held on the 13th day of February, A. D. 1865, for the purpose of raising a special tax to pay bounties to volunteers in the military service of the United States, is hereby declared legal and valid for all the intents and purposes for which the same was held; and all acts done and orders issued in pursuance of the vote or votes of said meeting, by the officers of said town, or any of them, are hereby declared valid, the same as if the law had been fully complied with in conducting the same: *provided*, that no more than $200, voted at said meeting to be raised by tax, be paid to each volunteer. Proceedings legalized. Limit to bounty.

SECTION 2. This act shall take effect and be in force from and after its passage.

Approved March 9, 1865.

CHAPTER 120.

[*Published March* 25, 1865.]

AN ACT to extend the time for the collection of taxes in the town Springfield, in Dane county.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. The time for the collection of the state, county and town taxes, for the year 1865, in the town of Springfield, in Dane county, is hereby extended until the twentieth day of March, 1865; and the town treasurer of said town shall have the same right to proceed to collect all the unpaid taxes upon the tax roll in Extended to March 20. Power of treasurer.

his hands, in all respects, in the same manner as he would have been authorized to do, had the time specified in his original warrant for the return thereof, not expired: *provided*, nothing in this act shall be construed to extend the time for the payment to the county treasurer [of] the state tax of said town, as now required by law.

SECTION 2. This act shall take effect and be in force from and after its passage.

Approved March 9, 1865.

CHAPTER 121.

[*Published March* 25, 1865.]

AN ACT to incorporate the Appleton petroleum company.

(*See supplement to local laws.*)

CHAPTER 122.

[*Published March* 25, 1865.]

AN ACT to vacate a part of the town plat of the village of New London, Waupaca county.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Parts vacated.

SECTION 1. All that part of the town plat of the village of New London, described on Reeder Smith's recorded plat thereof, as blocks one (1,) two (2,) eight (8,) ten (10,) thirteen (13,) seventeen (17,) thirty (30,) thirty-one (31,) thirty-two (32,) thirty-nine (39,) forty (40,) forty-one (41,) excepting lots one (1,) two (2,) three (3,) four (4,) of block forty-one (41,) and block forty-two (42,) except lots three (3,) four (4,) of block forty-two (42,) block forty-three (43,) block forty-four (44,) except lot thirteen (13,) in block forty-four (44,) block forty-five (45,) block forty-six (46,) block forty-seven (47,) also the west ten (10) lots in each of the

following blocks, viz.: blocks fourteen, twenty-one, twenty-nine, thirty-five, thirty-six, forty-three, forty-four, and block eighteen, lots eight and nine, in block eleven, is hereby vacated: *provided, however*, that such vacation shall not in any wise affect or impair any assessment thereof heretofore made, nor any tax heretofore levied thereon, nor levied on any lot, tract or parcel thereof. Assessments not to be affected.

SECTION 2. This act shall take effect from and after its passage.

Approved March 9, 1865.

CHAPTER 123.

[*Published March* 27, 1865.]

AN ACT to vacate Bicknell's addition to Beloit.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. The addition to Beloit platted on the southeast quarter of section thirty-six, town one north, of range twelve east, in the city of Beloit, Rock county, by George W. Bicknell, and commonly known as Bicknell's addition, is hereby vacated and declared null and void, and of no effect: *provided*, that this act shall not be construed to affect any existing or vested rights: *provided, however*, that such vacation shall not in any wise affect or impair any assessment thereof heretofore made, nor any tax heretofore levied thereon, or levied on any lot, tract or parcel thereof. Vacated. Assessments not to be affected.

SECTION 2. This act shall take effect from and after its passage and publication.

Approved March 9, 1865.

CHAPTER 124.

[*Published March* 27, 1865.]

AN ACT to amend chapter 257 of the general laws of 1862, entitled "an act requiring county judges and other officers named, to file statements from their dockets in certain cases."

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Statements of certain costs may be filed before first Monday of November.

SECTION 1. County judges, court commissioners, and justices of the peace, or any person or persons who have filled any of said offices in the several counties of this state, who have failed to comply with section one of chapter 257 of the general laws of 1862, may, on or before the first Monday in November, A. D. 1865, forward to the clerk of the board of supervisors o their respective counties, or, in case of removal from said counties, to the clerk of the board of supervisors where they have exercised the duties of any of said offices, a true and correct statement of all actions or proceedings had before them during the two years next preceding the first Monday of November, A. D. 1864, wherein the county shall have become liable for the costs, as required by said section one of said act.

Statements to be entered by clerk.

SECTION 2. The clerk of the board of supervisors shall immediately upon receipt of such statement, proceed to enter the same at length in a book to be kept for that purpose, in his office, as prescribed by section two of said act.

Payment of costs.

SECTION 3. Every such officer or person who shall within the prescribed time comply with section one of this act, shall be entitled to receive compensation from the county for services rendered by him in any criminal case or proceeding in which the county shall have become liable for costs.

SECTION 4. This act shall take effect and be in force from and after its passage and publication.

Approved March 9, 1865.

CHAPTER 125.

[*Published March* 27, 1865.]

AN ACT defining the limits and boundary of the borough of Fort Howard and the town of Howard, in the county of Brown.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. From and after the fifteenth day of March, 1865, all the following district of country, in the county of Brown, shall be and constitute the borough of Fort Howard, in said county: commencing at that point on the shore of Green Bay, where the line dividing lots one and eleven of the survey of the Fort Howard military reserve, strikes said shore; thence running southwardly in a straight line to the northeast corner of lot number eighty-three; thence westerly on the north line of lots numbered eighty-three, eighty-four, eighty-five, eighty-six, eighty-seven and eighty-eight, to the northwest corner of said lot number eighty-eight; thence southwardly on the west line of lots eighty-eight and one hundred, to the northwest corner of the claim known as the Dousman claim; thence southerly along the rear line of the tract known as the private claims, on the west side of Fox river, at Green Bay, to the southwest corner of private claim number twenty-four; thence eastwardly along the south line of said last mentioned claim, to the channel bank of Fox river; thence down and along the channel bank of said river and the shore of Green Bay, to the place of beginning. Boundary of the borough of Fort Howard.

SECTION 2. That from and after the fifteenth day of March next, all that district of country bounded north by the north line of town 24, ranges 19 and 20 east, west by the western boundary line of Brown county, southwardly by the Oneida Indian reserve and the line of the borough of Fort Howard, and eastwardly by the line of said borough, as defined in the first section of this act, and the shore of Green Bay, shall be and constitute the town of Howard, in Brown county. Boundary of the town of Howard.

SECTION 3. So much of chapter 115 of the general laws of 1860, as contravenes any of the provisions of this act, is hereby repealed. Repeal.

SECTION 4. This act shall take effect and be in force from and after its passage.

Approved March 9, 1865.

CHAPTER 126.

[*Published March* 27, 1865.]

AN ACT to authorize William Lux to keep and maintain a ferry across Lake St. Croix, in the town of St. Joseph, in St. Croix county.

(*See supplement to local laws.*)

CHAPTER 127.

[*Published March* 27, 1865.]

AN ACT to authorize Jesse Spalding to build, keep and maintain a boom on the Menomonee river, below Chappee' rapids, in the county of Oconto, and state of Wisconsin.

(*See supplement to local laws.*)

CHAPTER 128.

[*Published March* 27, 1865.]

AN ACT to authorize and require the clerk of the board of supervisers of the county of Dane, to keep up and maintain an abstract of tax sales.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Clerk of board to keep abstract of tax sales.

SECTION 1. It shall be the duty of the clerk of the board of supervisors for the county of Dane, state of Wisconsin, to keep up and maintain the abstracts of tax sales, heretofore commenced by the said county, and post and note therein all sales made by said county for taxes, and to note therein in a conspicuous manner, all deeds and redemptions; and whenever the books for such purpose, now commenced, are filled up, it shall be the duty of said clerk to procure new books, to be paid for from the county treasury; and as compensation for

Compensation.

such service, the said clerk shall be paid the sum of five (5) cents for each tract entered in such abstract, commencing with the sale of 1862, to be paid from the county treasury.

SECTION 2. Whenever redemptions are made or deeds for taxes are executed, the clerk shall add to the fees now authorized by law for the same, the sum of five (5) cents for each tract so redeemed or deeded. Ibid

SECTION 3. This act shall be in force and take effect from and after its passage.

Approved March 9, 1865.

CHAPTER 129.

[*Published March* 28, 1865.]

AN ACT for the relief of Calumet county.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. There is hereby remitted to the county of Calumet the sum of two hundred and eighty-seven dollars, being the amount overcharged to the county of Calumet for state tax for the year 1862, by reason of the double assessment of the real estate in the town of Stockbridge, in said county, for the year 1862; and the state treasurer is hereby directed to credit the county of Calumet with said amount. $287 remitted.

SECTION 2. This act shall take effect from and after its passage and publication.

Approved March 9, 1865.

CHAPTER 130.

[*Published March* 28, 1865.]

AN ACT to amend section nine of chapter twenty-seven of the revised statutes, entitled "of the state superintendent of public property, and the purchase and distribution of stationery for the use of the state."

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

State historical society entitled to stationery.

SECTION 1. Section nine of chapter twenty-seven of the revised statutes, entitled "of the state superintendent of public property, and the purchase and distribution of stationery for the use of the state," is hereby amended, by inserting after "to the clerk of the supreme court, for the supreme court room," in said ninth section, the words, "to the secretary of the state historical society, for the state historical society room and correspondence."

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 9, 1865.

CHAPTER 131.

[*Published March* 28, 1865.]

AN ACT to repeal chapter one hundred and twenty-seven of the general laws of 1864, relating to the county court of Fond du Lac county, Wisconsin.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Jurisdiction of county court abolished.

SECTION 1. Chapter one hundred and twenty-seven (127) of the general laws of 1864, relating to the county court of Fond du Lac county, is hereby repealed.

Suits pending to be disposed of in circuit court.

SECTION 2. All suits and proceedings now pending in said county court, under and by virtue of the provisions of chapter one hundred and twenty-seven (127,) general laws 1864, are hereby transferred to the circuit court of Fond du Lac county, and the same shall be

tried and determined in said circuit court in the same manner as though originally commenced therein.

SECTION 3. This act shall take effect and be in force from and after its passage.

Approved March 11, 1865.

CHAPTER 132.

[*Published March* 28, 1865.]

AN ACT relating to the adoption of children, and amendatory of section one of chapter two hundred and seventy-eight of the laws of 1864.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. Section one of chapter two hundred and seventy-eight of the laws of 1864, is hereby amended, so as to read as follows: "Section two of chapter forty-nine of the revised statutes is hereby amended, so as to read as follows: 'Section 2. No such adoption shall be made without the consent, in writing, of such of the parents of said child as may be living, unless it shall appear to the judge that either of the parents has abandoned the child, or gone to parts unknown, when such consent may be given by the parent, if any, having the charge and care of the child. And in case where neither of the parents is living, or if the only living parent has abandoned the child, such consent may be given by the guardian, if such child has any, and if there be no guardian, such consent may then be given by any of the next of kin of such child, residing in this state; and if there be no such next of kin, or if such next of kin is unknown, such consent may be given by some suitable person to be appointed by such judge; and in case of a child not born in lawful wedlock, such consent may be given by the mother: *provided*, she is living and has not abandoned such child.'" By whom consent to adoption may be given.

SECTION 2. This act shall take effect and be in force from and after its passage.

Approved March 11, 1865.

CHAPTER 133.

[*Published March* 28, 1865.]

AN ACT relating to the terms of the circuit court of the fifth judicial circuit, and amendatory of chapter 15 of the general laws of 1865.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

General terms.

SECTION 1. Section one of chapter 15 of the general laws of 1865, entitled "an act fixing the terms of the fifth judicial circuit," is hereby amended, so as to read as follows: "Hereafter the general and special terms of the circuit court of the fifth judicial circuit, shall be held as follows: In the county of Grant, on the first Monday in March, and second Monday in September, of each year; in the county of Iowa, on the fourth Monday in March, and first Monday in October, of each year; in the county of La Fayette, on the second Monday in April, and the first Monday in December; in the county of Richland, on the fourth Monday in April, and fourth Monday in October; and in the county of Crawford, on the second Monday in May, and second Monday in November, of each year, as aforesaid: *provided*, that at any term of the circuit court in either of said counties, motions and demurrers pertaining to actions or proceedings pending in the circuit court of any other of said counties, may be noticed for argument, heard and determined, and the judgment and orders thereon shall be entered in the records of the proper court, as of the term preceding their entry."

Grant county

Iowa.

La Fayette.

Richland.

Crawford.

Hearing of motions, &c.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 11, 1865.

CHAPTER 134.

[*Published March* 28, 1865.]

AN ACT to extend the time for the collection of taxes in the town of Windsor, Dane county.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. The time for the collection of taxes in the town of Windsor, Dane county, is hereby extended until the 30th day of March, A. D. 1865; and the town treasurer of said town shall have all the power and authority to enforce the collection of the taxes upon the tax roll of said town for the year 1864, as is now conferred by law upon town treasurers for the collection of taxes within the time prescribed by their warrants, up to and including the said 30th day of March, A. D. 1865: *provided*, that nothing in this act shall be construed to extend the time for the payment of the state tax due from said town to the county treasurer. Extended to March 30.

SECTION 2. This act shall take effect and be in force from and after its passage.

Approved March 11, 1865.

CHAPTER 135.

[*Published March* 28, 1865.]

AN ACT to legalize all the acts of a special town meeting held in the town of Wayne, La Fayette county, for the purpose of voting taxes to pay bounties to volunteers.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. All the acts of a special town meeting held in the town of Wayne, and county of La Fayette, on the twenty-fourth day of January, 1865, for the purpose of voting to raise taxes to pay bounties to volunteers who should enlist and become credited to said town, under the last call of the president for volunteers, and the taxes so voted to be raised, are hereby Bounty tax proceedings legalized.

declared to be legal and valid to all intents and for all purposes whatever.

SECTION 2. This act shall take effect and be in force from and after its passage.

Approved March 11, 1865.

CHAPTER 136.

[*Published March* 14, 1865.]

AN ACT to authorize the village of Manitowoc, in the county of Manitowoc, to issue its bonds for the improvement of the harbor at the mouth of the Manitowoc river.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Board of harbor commissioners.

SECTION 1. That Joseph Vilas, Jr., Henry Berner, Jacob Grimme, F. R. Gutheil, Hanson Rand, Ira P. Smith and John Tauhe, and their successors, are hereby appointed a board of commissioners for the purpose of constructing a harbor at the mouth of the Manitowoc river, in the village of Manitowoc.

Officers of board, and their duties.

SECTION 2. The said commissioners shall previously to the transaction of any business, elect one of their number president and one treasurer, and shall also appoint a secretary. The president, when present, shall preside at all meetings of the board for the transaction of business, and the secretary shall keep a record of all the doings of said board, and the same shall be open to the inspection of the citizens of said village at all times during business hours. No business shall be transacted at any meeting of said board, unless all the members have had due notice thereof, and a majority of the members shall be present. In the absence of the president or secretary at any such meeting, the majority may elect one of their number president *pro tem.*, and appoint a secretary *pro tem.* The first meeting of said board of commissioners shall be held at the village of Manitowoc, at such time and place as shall be designated by a majority of them, and all subsequent meetings shall be held in said village, at such times as may be appointed by a vote of a majority of said board.

SECTION 3. The president and clerk of the said village of Manitowoc, are hereby authorized and empowered to issue for and in the name of the corporation of the said village, the bonds of the said village, to the amount of thirty thousand dollars, bearing interest at the rate of seven per cent. per annum, and made payable in twenty years from the date thereof. The principal and interest of the said bonds shall be payable at such place as the said board of commissioners may designate, and the interest thereon shall be made payable semi annually. The said bonds shall be signed by the president and clerk of the said village of Manitowoc, and shall be sealed with the corporate seal thereof, and shall have interest warrants or coupons attached thereto, for the payment of the semi-annual interest accruing thereon, at the times and place when such interest shall be made payable, which shall also be signed by the president and clerk of said village. Such bonds may be issued for such sums each, not less than one hundred dollars nor exceeding one thousand dollars, as the said board of commissioners may direct.

Village may issue bonds to amount of $30,000.

How bonds to be signed, &c.

Denominations.

SECTION 4. The said bonds authorized by the third section of this act, when issued, shall be delivered by the president of said village to the treasurer of the said board of commissioners, to be by him paid out and delivered in the manner hereinafter in this act provided.

To be delivered to treasurer of board.

SECTION 5. The coupons or interest warrants annexed to and for the payment of the interest upon the bonds which may be issued pursuant to the provisions of this act, shall be receivable in payment of any taxes levied and assessed, and collectable in said village of Manitowoc, and shall be receivable in payment of any tax which may be levied in said village for the interest to accrue on the said bonds hereby authorized to be issued pursuant to the provisions of this act, but only in the years in which the said coupons shall become due.

Coupons receivable for taxes.

SECTION 6. It shall be the duty of the board of trustees of said village to levy an annual tax upon all the taxable property within the corporate limits of the said village, sufficient to pay the annual interest upon the bonds which shall be issued pursuant to this act and then outstanding; and after the expiration of the term of ten years from the date of said bonds, the said trustees shall levy a further annual tax, in addition to the tax for the payment of the interest on said bonds, for a

Taxes for payment of interest and principal of bonds.

sinking fund for the payment of the principal sum of such bonds, which shall bear the same proportion to the whole principal sum secured by the bonds so to be issued, as one year shall bear to the whole number of years the said bonds shall have to run from the tenth year from the date thereof, so that the amount raised by the tax annually, shall in the aggregate for the number of years the said bonds shall run, be equal to the whole principal sum of such bonds, which tax by this section authorized and required to be levied and collected, shall be assessed, levied and collected in all respects as other general village taxes are levied, assessed and collected; and when collected, it will be the duty of the treasurer of said village to pay the interest and principal which shall become due upon said bonds as aforesaid, out of the moneys coming into his hands for such purpose, at such time and place as shall be specified in said bonds, and as hereinafter further provided.

Bonds to be paid to be determined by lot.

SECTION 7. Whenever and as often as the amount which shall annually be levied and collected pursuant to the provisions of section six (6) of this act, for the purpose of paying the principal of the said bonds by this act authorized to be issued and paid into the said sinking fund, shall equal the principal of one or more of such bonds, the president and board of trustees shall determine by vote which of said bonds shall be paid therewith, by placing in a ballot box the numbers of all of such bonds then outstanding, written on separate ballots, separately and carefully folded; and thereupon some one of their number shall, after such ballots shall have been well mixed, draw therefrom one number at a time, which number shall be publicly read and recorded by the clerk of the said village as drawn; and such drawing shall continue until the number of outstanding bonds, the principal of which shall be equal to the amount of the sinking fund on hand at the time of such drawing, shall be drawn, and the amount of the sinking fund then accumulated shall be applied to the payment of the principal of the bonds, the numbers of which shall be drawn. And the president of said village shall, immediately after every such determination by lot, notify the holders of the bonds which may be so designated for payment, if known, and if not known, by advertisement in a newspaper published in said village of Manitowoc, of such drawing; and if such bonds

so designated for payment shall not be presented in thirty days after such notice, the said president shall remit or cause to be remitted to and deposited in the bank where such bonds are payable, a sum equal to the principal of the bonds which shall be so designated for payment, with a description of such bonds, to the credit of the owners and holders thereof; and on such deposit being made, the interest on the bonds for the payment of which such deposit shall (*shall*) be made, shall thenceforth cease; and all bonds and coupons, as soon as paid and returned, shall be canceled by the clerk of said village, and their respective numbers and amounts entered in a book kept by him for that purpose.

Judge of circuit court may order levy of tax.

SECTION 8. If the board of trustees of said village of Manitowoc shall refuse or neglect to levy any tax as provided in this act, the said board of commissioners, or the holder or holders of any of said bonds or coupons, or interest warrants, may at any time after such refusal and neglect, apply to the judge of the circuit court in and for the county of Manitowoc, either in term time or vacation, for an order directing and commanding the proper officers of said village to cause such tax to be levied, assessed and collected in the manner and for the purpose provided by this act, and it is hereby made the duty of said judge to make such order; and the trustee or other officer refusing or neglecting to obey such order, shall pay a fine of not less than one hundred nor more than five hundred dollars, to be recovered in any court of competent jurisdiction, at the suit of any one of the holders of any of the said bonds, for the benefit of all of the owners of the bonds issued under the provisions of this act.

Question of issue of bonds to be submitted to vote.

SECTION 9. That ten days or more previously to the next annual spring election for the election of officers of said village of Manitowoc, it shall be the duty of the clerk of said village to give notice, by publishing the same in two or more of the papers published in said village, or by posting the same at five public places in said village, that at such election a vote will be taken upon the question of issuing the bonds of said village, as provided by this act: *provided*, that if from any cause such vote shall not be taken at such election, the question may be submitted to the electors of said village at such time afterwards, and in such manner, as

shall be determined upon by a majority of the trustees of said village.

Form of ballots, and canvass and return of same.

SECTION 10. At the election at which the question of issuing such bonds shall be submitted, as in this act provided, a separate ballot box shall be provided by the inspectors of election at each poll held in said village, and each elector of said village may vote a separate ballot, on which shall be written or printed the words, "for the harbor bonds," or "against the harbor bonds," which ballots shall be deposited in such separate box, and shall be canvassed and returned and certified in all respects in like manner as votes for village officers are required by law to be canvassed, returned and certified. Any person voting upon this question who shall not be legally qualified so to vote, shall be subject to all the penalties attaching to illegal voting at a general election.

When bonds may be issued.

SECTION 11. The bonds authorized by this act to be issued, shall in no event be issued unless it shall appear from the returns of such election, duly canvassed and certified, that a majority of all the legal voters in said village, voting at such election on said question, shall have voted "for the harbor bonds;" *and provided*, that such bonds may be ordered by a majority of the trustees of said village not to be issued, unless the county of Manitowoc, (excepting the towns of Two Rivers and Two Creeks,) shall have voted to issue the bonds of said county, of equal amount, for the purpose of improving said harbor; but no such order shall be made by said trustees except at a regular meeting of their board, at which their whole number shall be present, and held after the next general election in the county of Manitowoc.

Treasurer of board to execute bond.

SECTION 12. The treasurer of said board of commissioners shall, before he shall receive any bonds from the president of said village, execute and deliver to the trustees of said village his bond, in such penalty and with such sureties as the said trustees shall prescribe, conditioned for the faithful performance of his duties as such treasurer, and that he will faithfully and honestly account for and pay over, on the order of the said board of commissioners, all such bonds, moneys or other thing as shall come into his hands as such treasurer, which bond shall be approved by the said trustees, or a ma-

jority of them, and shall be filed in the office of the treasurer of said village.

SECTION 13. The said board of commissioners may negotiate and sell the whole or any portion of said village bonds for money, at such price and upon such terms as to them or a majority of them shall seem advisable, and shall expend such moneys, and pay out the remainder of said bonds, if any, for the improvement of said harbor, and may enter into contract or contracts with any person or persons, company or body corporate, for materials and labor for and to be used and applied in and about the improvement of said harbor, and contract to pay for such material and labor in money or the bonds of said village, or partly in money and partly in bonds; but before entering into any such contract or contracts, they shall give thirty days' notice of the time and place of letting contract or contracts, by publishing the same in each of the newspapers published in the said village of Manitowoc, and shall let such contracts to the lowest responsible bidders; but no such contract shall be let unless signed by one or more responsible sureties, to be approved by said commissioners; and they shall make a semi-annual report to the trustees of said village, of all their receipts and disbursements, and of their progress in the work of improving said harbor, and shall cause a copy of such report to be published in all the newspapers published in said village.

Negotiation of bonds.

Contracts for materials, &c.

Semi-annual reports.

SECTION 14. That the said board of commissioners shall, before commencing work on the improvement of said harbor, obtain from the U. S. topographical bureau, at Washington, maps of the survey, copies of the plans and specifications of the work and materials for the improvement of said harbor, and they shall employ a competent engineer to prepare the necessary plans and specifications, and in the improvement of the said harbor shall follow, as nearly as practicable, the plans and specifications of the United States topographical engineers.

Maps of survey of harbor.

SECTION 15. If before the completion of the improvement of said harbor, congress shall make any appropriation sufficient for the completion of the same, the said board of commissioners shall suspend the work thereon, so far as they can without doing injury to contractors, and return all the bonds of said village, and

When work on harbor shall be suspended.

moneys arising from the sale of any such bonds, on hand, to the trustees of said village, after paying all demands against said board of commissioners.

Powers of board.

SECTION 16. That the said board of commissioners shall have, and there is hereby conferred upon them, all the powers which by law are or may be conferred upon individuals or corporations, to make and enforce contracts, and may make all contracts which they shall deem necessary for the improvement of said harbor under the provisions of this act, and shall have all the legal remedies upon and for the enforcement of the same, in courts having jurisdiction, and shall be subject to all the liabilities for violating of such contracts by them at [as] such board of commissioners: *provided*, they shall not be made personally liable for the payment of any judgment for damages which may be recovered against them as such board of commissioners.

Superintendent.

SECTION 17. The said board of commissioners shall appoint some competent person, whose duty it shall be to superintend the work of the improvement of the said harbor, and see that the same is done in a proper manner, and according to the terms of contracts made and agreeably to the plans and specifications adopted by them, and shall allow such compensation to the person so appointed as they shall deem just and reasonable, and may discharge such person and appoint some other in his place.

Vacancies in board.

SECTION 18. In case any vacancy shall occur in the said board of commissioners by death, resignation or otherwise, such vacancy may be filled by the remaining commissioners, and a two-thirds vote of the remaining members of the board shall be required for the election or appointment of a commissioner to fill a vacancy.

Commissioners to execute bonds.

SECTION 19. The said commissioners shall, before entering upon their duties under the provisions of this act, enter into several bonds to the trustees of said village, in such sums or penalty and with such surety or sureties as the said trustees shall determine and approve, conditioned for the faithful and honest application of the moneys, bonds or other things which may come into their hands, to the improvement of the said harbor as herein in this act provided; and they shall be allowed for their services such reasonable compensation as shall be determined upon by the said trustees and the board of supervisors of said county.

Compensation of commissioners.

SECTION 20. The agents and employees of the said board of commissioners shall each be allowed such compensation as shall be agreed upon between them respectively and the said commissioners, or as shall be fixed or determined upon by the said commissioners. Compensation of employees.

SECTION 21. This act shall take effect and be in force from and after its passage and publication.

Approved March 11, 1865.

CHAPTER 137.

[*Published March* 28, 1865.]

AN ACT to legalize the acts of certain town officers of the town of Lima, Pepin county.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. The appointment of supervisors, town clerk and town treasurer, made in the town of Lima, Pepin county, this state, in the month of November, 1864, is hereby declared valid and legal to all intents and purposes, as though said appointment had in all respects been made in accordance with the laws of this state; and all the acts and proceedings of said town officers, appointed as aforesaid, so far as they are consistent with the laws of this state, are hereby delared valid and legal for all purposes whatsoever. Proceedings legalized.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 14, 1865.

CHAPTER 138.

[*Published March* 28, 1865.

AN ACT to incorporate the Hustisford woolen manufacturing company.

(*See supplement to local laws.*)

CHAPTER 139.

[*Published March* 28, 1865.]

AN ACT to incorporate the Whitewater seminary.

(*See supplement to local laws.*)

CHAPTER 140.

[*Published March* 28, 1865.]

AN ACT to legalize certain proceedings of a town meeting in the town of Christiana, in the county of Dane.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Bounty tax proceedings legalized.

SECTION 1. Certain proceedings of the annual town meeting of the town of Christiana, in the county of Dane, held on the fifth day of April, A. D. 1864, whereby money previously raised for bounties to volunteers, and in the treasury of said town, was voted to be paid to certain men drafted in said town, are hereby legalized, and the supervisors of said town are hereby authorized to issue orders in accordance with the provisions of such vote. Nothing herein contained shall be so construed as to sanction the payment of more than two hundred dollars to any volunteer, or person providing himself with a substitute.

Limit to bounty.

SECTION 2. This act shall take effect and be in force from and after its passage.

Approved March 14, 1865.

CHAPTER 141.

[*Published March* 27, 1865.]

AN ACT to authorize the town of Hubbard, in Dodge county, to levy and collect a tax.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. The town officers of the town of Hubbard, in the county of Dodge, are hereby authorized to levy and collect the tax voted to be raised at a town meeting held in said town on the 18th day of January, 1865. Said tax may be collected immediately, in the manner now provided by law: *provided*, that no more than two hundred dollars shall be paid to each volunteer. Tax authorized. Limit to bounty.

SECTION 2. This act shall take effect and be in force from and after its passage.

Approved March 14, 1865.

CHAPTER 142.

[*Published March* 17, 1865.]

AN ACT to authorize the county of Manitowoc to issue its bonds in aid of the improvement of the harbor at the mouth of the Manitowoc river, in said county.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. That Joseph Vilas, Jr., Henry Berner, Jacob Grimme, F. R. Guthiel, Hanson Rand, Ira P. Smith and John Taube, and their successors, are hereby appointed a board of commissioners for the purpose of constructing a harbor at the mouth of the Manitowoc river, in said county. Board of harbor commissioners.

SECTION 2. The said commissioners shall previously to the transaction of any business, elect one of their number president and one treasurer, and shall also appoint a secretary. The president, when present, shall preside at all meetings of the board for the transaction Officers of board, and their duties.

of business, and the secretary shall keep a record of all the doings of said board, and the same shall be open to the inspection of the citizens of said county at all times during business hours. No business shall be transacted at any meeting of said board, unless all the members have had due notice thereof, and a majority of the members shall be present. In the absence of the president or secretary at any such meeting, the majority may elect one of their number president *pro tem.*, and appoint a secretary *pro tem.* The first meeting of said board of commissioners shall be held at the village of Manitowoc, at such time and place as shall be desingated by a majority of them, and all subsequent meetings shall be held in said village, at such times as may be appointed by a vote of a majority of said board.

County may issue bonds to amount of $30,000.

SECTION 3. The chairman and clerk of the board of supervisors of the county of Manitowoc, are hereby authorized and empowered to issue for and in the name of the county of Manitowoc, the bonds of the said county, to the amount of thirty thousand dollars, bearing interest at the rate of seven per cent. per annum, and made payable in twenty years from the date thereof. The principal and interest of said bonds shall be payable at such place as the said board of commissioners may designate, and the interest shall be made payable semi-annually. The said bonds shall be signed by the chairman and clerk of the said board of supervisors, and shall be sealed with the corporate seal of said county, and shall have interest warrants or coupons attached thereto, for the payment of the semi-annual interest accruing thereon, at the times and place where such interest shall be made payable, which shall also be signed by the clerk of said board of county supervisors. Such bonds may be issued for such sums, each not less than one hundred dollars nor exceeding one thousand dollars, as the said board of commissioners may direct.

How bonds to be signed, &c.

Denominations.

To be delivered to treasurer of board.

SECTION 4. The said bonds authorized by the third section of this act, when signed, shall be delivered by the chairman of the said county board of supervisors to the treasurer of the said board of commissioners, to be by him paid out and delivered in the manner hereinafter in this act provided.

Coupons receivable for taxes.

SECTION 5. The coupons or interest warrants annexed to and for the payment of the interest upon the bonds which may be issued pursuant to the provisions

of this act, shall be receivable in payment of any taxes levied and assessed, and collectable for county purposes in said county, and shall be receivable in payment of any tax which may be levied in said county for the interest to accrue on the said bonds hereby authorized to be issued pursuant to the provisions of this act, but only in the years in which the said coupons shall become due.

Taxes for payment of interest and principal of bonds.

SECTION 6. It shall be the duty of the board of supervisors of the county of Manitowoc, to levy an annual tax upon all the taxable property within said county, (excepting that of the towns of Two Rivers and Two Creeks, which last mentioned towns are exempt from the operations of this act,) sufficient to pay the annual interest upon the bonds which shall be issued pursuant to this act, then outstanding; and after the expiration of ten years from the date of said bonds, the said board of supervisors shall levy and cause to be assessed and collected a further annual tax in addition to the tax for the payment of the annual interest on said bonds, for a sinking fund for the payment of the principal sum of such bonds, which shall bear the same proportion to the whole principal sum secured by the bonds so to be issued, as one year shall bear to the whole number of years the said bonds shall have to run from the tenth year from the date thereof, so that the amount raised by the tax annually, shall in the aggregate for the number of years the said bonds shall run, be equal to the whole principal sum of such bonds, which tax by this section authorized and required to be levied, assessed and collected, shall be levied, assessed and collected in all respects as other general taxes are levied, assessed and collected in said county: *provided*, that no such tax shall be levied, assessed and collected in the said towns of Two Rivers and Two Creeks; and when collected, it shall be the duty of the treasurer of said county to pay the interest and principal which shall become due upon said bonds as aforesaid, out of the moneys coming into his hands for such purpose, at such time and place as shall be specified in said bonds, and as hereinafter further provided.

Bonds to be paid to be determined by lot.

SECTION 7. Whenever and as often as the amount which shall annually be levied and collected pursuant to the provisions of section six (6) of this act, for the purpose of paying the principal of the said bonds by this act authorized to be issued and paid into the sinking fund, shall equal the principal of one or more of

such bonds, the chairman and clerk of board of county supervisors shall determine by lot which of said bonds shall be paid therewith, by placing in a ballot box the numbers of all of such bonds then outstanding, written on separate ballots, separately and carefully folded; and thereupon the said chairman shall, after such ballots shall have been well mixed, draw therefrom one number at a time, which number shall be publicly read and recorded by the said clerk as drawn; and such drawing shall continue under [until] the number of outstanding bonds, the principal of which shall be equal to the amount of the sinking fund on hand at the time of such drawing, shall be drawn, and the amount of the sinking fund then accumulated, shall be applied to the payment of the principal of the bonds the numbers of which shall be drawn. And the clerk of said board of supervisors shall, immediately after every such determination by lot, notify the holders of the bonds which may be so designated for payment, if known, and if not known, by advertisement in a newspaper published in said county, of such drawing; and if such bonds so designated for payment shall not be presented in thirty days after such notice, the treasurer of said county shall remit or cause to be remitted to and deposited in the bank where such bonds are payable, a sum equal to the principal of the bonds which shall be so designated for payment, with a description of such bonds, to the credit of the owners and holders thereof; and on such deposit being made, the interest on the bonds for the payment of which such deposit shall be made, shall thenceforth cease; and all bonds and coupons, as soon as paid and returned, shall be cancelel by the clerk of the said board of supervisors, and their numbers and amounts entered by him in a book to be kept for that purpose.

Judge of circuit court may order levy of tax.

SECTION 8. If the board of supervisors of said county shall refuse or neglect to levy any tax as provided in this act, the said board of commissioners, or the holder or holders of any of said bonds or coupons, or interest warrants, may at any time after such refusal or neglect, apply to the judge of the circuit court in and for the county of Manitowoc, either in term time or vacation, for an order directing and commanding the proper officers of said county to cause said tax to be levied, assessed and collected in the manner and for the pur-

pose provided in this act, and it is hereby made the duty of said judge to make such order; and the supervisor or other officer of said county who shall refuse or neglect to obey such order, shall pay a fine of not less than one hundred nor more than five hundred dollars, to be recovered in any court of competent jurisdiction, at the suit of any one of the holders of any of the said bonds, for the benefit of all of the owners of the bonds issued under the provisions of this act.

Question of issue of bonds to be submitted to vote.

SECTION 9. It shall be the duty of the sheriff of said county to give notice that at the time of holding the general election in said county, in the fall of eighteen hundred and sixty-five, an election will be held in the several towns in said county, except in said towns of Two Rivers and Two Creeks, for the purpose of voting on the question of issuing the bonds in this act provided for, which such notice shall be given by publishing the same in all the newspapers published in said county, once in each week for at least six weeks prior to the time of holding such election.

Form of ballots, and canvass and return of same.

SECTION 10. At the election at which the question of issuing such bonds shall be submitted, as in this act provided, a separate ballot box shall be provided by the inspectors of election at each poll in said county, except in the said towns of Two Rivers and Two Creeks, and each elector may vote a separate ballot, on which shall be written or printed the words, "for the harbor bonds," or "against the harbor bonds," which ballots shall be deposited in such separate box, and shall be canvassed and returned and certified in all respects in like manner as votes for county officers are required by law to be canvassed, returned and certified. Any person voting upon this question who shall not be legally qualified to vote, shall be subject to all the penalties attaching to illegal voting at a general election.

When bonds may be issued.

SECTION 11. The bonds authorized by this act to be issued, shall in no event be issued unless it shall appear from the returns of such election, duly canvassed and certified, that a majority of all the legal voters in said county, voting at such election on said question, shall have voted "for the harbor bonds;" *and provided*, that such bonds may not be issued without the order of the board of county supervisors, unless the village af Manitowoc shall first have issued its bonds in equal amount,

and delivered the same to the treasurer of the said board of commissioners.

Treasurer of board to execute bond.

SECTION 12. The treasurer of said board of commissioners shall, before he shall receive any bonds from the chairman of the county board of supervisors, execute and deliver to the treasurer of the county of Manitowoc his bond, in such penalty and with such sureties as the board of county supervisors shall prescribe, conditioned for the faithful performance of his duties as such treasurer, and that he will faithfully and honestly account for and pay over, on the order of the said board of commissioners, all such bonds, moneys or other things which may come into his hands as such treasurer, which bond shall be approved by a majority of the said supervisors, and filed in the office of the county treasurer.

Negotiation of bonds.

SECTION 13. The said board of commissioners may negotiate and sell the whole or any portion of said county bonds for money, at such price and upon such terms as to them or a majority of them shall seem advisable, and shall expend such money, and pay out the remainder of said bonds, if any, for the improvement of said harbor, and may enter into contract or contracts with any person or persons, company or body corporate, for materials and labor for and to be used and applied in and about the improvement of said harbor, and contract to pay for such materials and labor in money or the bonds of said county and of the said village of Manitowoc, or partly in money and partly in such bonds; but before entering into any contract or contracts, they shall give thirty days' notice of the time and place of letting contract or contracts, by publishing the same in each of the newspapers published in said county, and shall let such contracts to the lowest responsible bidders; but no such contract shall be let unless signed by one or more responsible sureties, to be approved by said board of commissioners; and they shall make a semi-annual report to the board of supervisors of said county, of all their receipts and disbursements, and of their progress in the work of improving said harbor, and shall cause a copy of such report to be published in each of the newspapers published in said county.

Contracts for materials, &c.

Semi-annual reports.

1 of survey rbor.

SECTION 14. That the said board of commissioners shall, before commencing work on the improvement of

said harbor, obtain from the United States topographical bureau, at Washington, maps of survey and copies of the plans and specifications of the work and materials for the improvement of said harbor, and they shall employ a competent engineer to prepare the necessary plans and specifications, and in the improvement of said harbor shall follow, as nearly as practicable, the plans and specifications of the United States topographical engineers.

When work on harbor shall be suspended.

SECTION 15. If before the completion of the improvement of said harbor, congress shall make an appropriation sufficient for the completion of the same, the said board of commissioners shall suspend the work thereon, so far as they can do so without injury to the contractors, and return all bonds issued by the county then on hand, and all moneys or other thing arising from the sale of any of such bonds, after paying all demands against said board, to the treasurer of said county.

Powers of board.

SECTION 16. That the said board of commissioners shall have, and there is conferred upon them, all the powers which by law are or may be conferred upon individuals or corporations, to make and enforce contracts, and they may make all contracts which they shall deem necessary for the improvement of said harbor under the provisions of this act, and shall have all the legal remedies upon and for the enforcement of the same, in courts having jurisdiction, and shall be subject to all the liabilities for violations of such contracts by them as such board of commissioners: *provided*, they shall not be made personally liable for the payment of any judgment for damages which may be recovered against them as such board of commissioners.

Superintendent.

SECTION 17. The said board of commissioners shall appoint some competent person, whose duty it shall be to superintend the work on the improvement of the said harbor, and see that the same is done in a proper manner, and according to the terms of the contracts made, and agreeably to the plans and specifications adopted by them, and shall allow such compensation to the person so appointed as they shall deem just and reasonable, and may at any time discharge such person and appoint some other in his place.

Vacancies in board.

SECTION 18. In case any vacancy shall occur in the said board of commissioners by death, resignation or

otherwise, such vacancy may be filled by the remaining commissioners, and a two-thirds vote of the remaining members of the board shall be requisite for the election or appointment of a commissioner to fill a vacancy.

Commissioners to execute bonds.

SECTION 19. The said commissioners shall, before entering upon their duties under the provisions of this act, enter into several bond to the treasurer of said county, in such sum or penalty and with such surety or sureties as the board of supervisors shall determine and approve, conditioned for the faithful and honest application of the moneys, bonds and other things which may come into their hands, to the improvement of the said harbor as herein in this act provided; and they shall be allowed for their services such reasonable compensation as shall be determined upon by the said board of supervisors and the board of trustees of the village of Manitowoc.

Compensation of commissioners.

Compensation of employees.

SECTION 20. The agents and employees of the said board of commissioners shall each be allowed such compensation as shall be agreed upon between them respectively and the said commissioners, or as shall be fixed or determined upon by the said commissioners.

SECTION 21. This act shall take effect and be in force from and after its passage and publication.

Approved March 14, 1865.

CHAPTER 143.

[*Published March* 28, 1865.]

AN ACT to legalize all the proceedings of two special town meetings held in the town of Wauwatosa, in the state of Wisconsin, on the 9th day of February, A. D. 1865, and on the 18th day of February, A. D. 1865, for the purposes of raising a bounty for volunteers in said town, and to legalize the acts of the town officers of said town, under the votes and resolutions passed at said town meetings.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Bounty tax proceedings legalized.

SECTION 1. All the proceedings of two several special town meetings held in the town of Wauwatosa, and state of Wisconsin, the one held on the 9th day of February,

A. D. 1865, and the other held on the 13th day of February, A. D. 1865, for the purpose of voting and raising taxes in said town to furnish bounty with which to fill the quota of said town, the resolutions and votes passed and adopted at said two meetings, and all the acts and proceeding of the town officers of said town, in reference to filling the quota of said town under and in pursuance to the proceedings of said two town meetings, and in collecting the taxes voted at said meetings, are hereby declared to be legal and valid to all purposes; and the taxes assessed in said town of Wauwatosa, under the proceedings of said two town meetings, are hereby declared to be legal, valid and binding, notwithstanding any errors, mistakes or omissions that may have occurred, if any, in reference thereto: *provided*, that not more than two hundred dollars shall be paid to any volunteer or to any person out of the taxes so raised. Limit to bounty.

SECTION 2. The time for collecting the taxes voted at said two special town meetings, by the town treasurer of said town, is hereby extended until the last Tuesday of March, A. D. 1865. Time to collect extended.

SECTION 3. This act shall be deemed a public act, shall be published immediately, and shall take effect from its passage and publication.

Approved March 14, 1865.

CHAPTER 144.

[*Published May* 2, 1865.]

AN ACT to extend the time for the collection of taxes on personal property in the town of Fayette, in the county of La Fayette.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. The time for the collection of all taxes (except state taxes) on personal property, for the town of Fayette, in the county of La Fayette, due for the year 1864, and special bounty tax voted by the people of said town in January, 1865, is hereby extended until the first day of November next, until which time the Extended to Nov. 1.

treasurer of said town, by virtue of his warrant for the collection of taxes, shall have the same power and authority to receive and enforce the payment of taxes on personal property in his town, and shall proceed in the same manner as is now prescribed by law, and the further right of garnishee of the moneys, credits, claims and demands of residents and non-resident debtors, as is now prescribed by law in regulating proceedings for the collection of debts in justices' courts.

Return of taxes.

SECTION 2. The said town treasurer shall, on the first Monday of November, 1865, make return to the county treasurer of said county, in the same manner as is now prescribed by law for the final return of taxes due on personal property, and shall, on the first Monday of every month prior to the first Monday in November next, make returns of all taxes collected under the provisions of this act, to the proper officer of said county or town.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved March 14, 1865.

CHAPTER 145.

[*Published March* 27, 1865.]

AN ACT to authorize Chauncey Stoddard Hewitt to transact business, and to acquire, hold and convey real estate.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

May hold and convey real estate.

SECTION 1. Chauncey Stoddard Hewitt, a minor, of the city of Milwaukee, in the state of Wisconsin, is hereby authorized and empowered to transact general business, and to acquire, hold and convey real estate, as fully and in the same manner as he could do, if he were twenty-one years of age.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 15, 1865.

CHAPTER 146.

[*Published March* 27, 1865.]

AN ACT to authorize St. Thomas Catholic society of Beloit to use certain lands for a cemetery.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. It shall be lawful for St. Thomas Catholic society of Beloit, in the county of Rock, to use for a cemetery all those certain pieces or parcels of land situate within the corporate limits of the city of Beloit aforesaid, which were conveyed by Vinton Lawler to Rt. Rev. J. M. Henni, the same being held by him in trust for the said society for cemetery purposes, and which are described as follows, viz.: As part of the northeast quarter of section thirty-six (36,) town one (1,) range twelve (12,) beginning at the line between ranges twelve (12) and thirteen (13,) fourteen (14) chains and ninety-four (94) links south of the northeast corner of section thirty-six (36;) thence in a direct line towards the northeast corner of the village (now city) of Beloit, according to the original survey of said village plat, nine (9) chains and ninety-two (92) links; thence south one (1) and one-half (½) degrees west six (6) chains and fifty-two (52) links; thence in a line parallel to first line nine (9) chains and sixty-eight (68) links to town line; thence along said town line six (6) and one-half (½) chains to the place of beginning, and containing six (6) and thirty-eight one hundredths (38-100) acres, be the same more or less. Description of lands.

SECTION 2. All acts and parts of acts in any way contravening the provisions of this act, are, insomuch as such acts and parts of acts conflict with this act, repealed. Repeal.

SECTION 3. This act shall take effect from and after its passage.

Approved March 15, 1865.

CHAPTER 147.

[*Published March* 28, 1865.]

AN ACT to revive and reinstate in all its original rights and privileges, the Jamestown cemetery association, of the town of Jamestown, in the county of Grant.

(*See supplement to local laws.*)

CHAPTER 148.

[*Published March* 28, 1865.]

AN ACT to legalize the acts of a special town meeting held on the 24th day of February, 1864, in the town of Theresa, Dodge county, Wisconsin, and the proceedings of the officers of said town in pursuance thereof.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Bounty tax proceedings legalized.

SECTION 1. The special town meeting of the town of Theresa, in Dodge county, held on the 24th day of February, A. D. 1864, for the purpose of raising a special tax to pay bounties to volunteers in the military service of the United States, is hereby declared legal and valid for all the intents and purposes for which the same was held; and all acts done and orders issued in pursuance of the vote or votes of said meeting, by the officers of said town, or any of them, are hereby declared valid, the same as if the law had been fully complied with in conducting said meeting: *provided*, that nothing herein contained shall authorize the payment of more than two hundred dollars to any person volunteering or providing a substitute.

Limit to bounty.

Orders legalized.

SECTION 2. All acts of the officers of said town, or either of them, and all orders issued by said officers in pursuance of said meeting, are hereby legalized and declared valid.

SECTION 3. This act shall take effect from and after its passage.

Approved March 15, 1865.

CHAPTER 149.

[*Published March* 31, 1865.]

AN ACT to change the Bank of Milwaukee to a national banking association.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. The Bank of Milwaukee, located and doing business in the city of Milwaukee, and state of Wisconsin, is hereby authorized and empowered to change and convert its capital stock or organization into a national banking association, as hereinafter provided, under the general banking law of the United States, and according to the provisions of the forty-fourth section of the act of congress entitled "an act to provide a national currency secured by a pledge of United States bonds, and to provide for the circulation and redemption thereof," approved June 3d, 1864.

May organize under national banking law.

SECTION 2. Whenever the stockholders of said bank owning at least two-thirds of the capital stock thereof, shall give their assent in writing, in due form of law, to change and convert said bank into a national banking association, and such assent having been filed in said bank, it shall and may be lawful for the directors thereof, or a majority of them, to proceed at once to change and convert the same into a national association, with such name and style as they may choose to adopt, and also to perfect the organization of such new association, in pursuance of and in accordance with the provisions of said act of congress, anything in the laws of this state to the contrary notwithstanding.

Assent of holders of two-thirds of stock necessary.

SECTION 3. Whenever the organization of such new association shall be complete under and in pursuance of said act of congress, all the property, personal and real, and of every kind and description, belonging to said Bank of Milwaukee, shall become and is hereby declared vested in the said national banking association, and the latter shall be deemed in law to be the successor of the former, so far as relates to its legal rights and remedies, and also its liabilities. And from thence and thereafter, the said Bank of Milwaukee shall cease to be subject to the laws of this state under which it organized and had its existence, except so far as relates to the re-

When property shall vest in new association.

Notes of old association may be retired by new.

demption of its circulating notes, and they may be retired by the new association in the mode and manner prescribed by the general banking law of this state, and the amendatory acts thereto: *provided, however,* that nothing in this act contained shall be so construed as to relieve the new association from the payment of the state tax, as now provided by law, until eighty per cent. of the circulating notes of said Bank of Milwaukee shall have been retired, pursuant to section eleven (11) of chapter seventy-one (71) of the revised statutes, and the acts amendatory thereof.

State tax.

SECTION 4. This act shall take effect and be in force from and after its passage and publication.

Approved March 16, 1865.

CHAPTER 150.

[*Published March* 31, 1865.]

AN ACT to incorporate the American copper-mining, smelting and manufacturing company.

(*See supplement to local laws.*)

CHAPTER 151.

[*Published March* 31, 1865.]

AN ACT to incorporate the Sparta manufacturing company.

(*See supplement to local laws.*)

CHAPTER 152.

[*Published May* 18, 1865.]

AN ACT to amend chapter 360 of the private and local [general] laws of 1863, entitled "an act to incorporate the Moravian brethren's congregation, in German called Hernhuter brueder Gemeinde, of the 6th ward of the city of Milwaukee."

(*See supplement to local laws.*)

CHAPTER 153.

[*Published May* 18, 1865.]

AN ACT to amend chapter 85 of the private and local laws of 1859, entitled "an act to incorporate the Fox Lake railroad company."

(*See supplement to local laws.*)

CHAPTER 154.

[*Published May* 18, 1865.]

AN ACT to legalize the taxes voted in the town of Farmington, county of Waupaca, on the 18th day of February, 8th day of August, 18th day of August, and March 12th, 1864, for the purpose of raising money to pay bounties to volunteers.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. The taxes voted in the town of Farmington, county of Waupaca, on the 18th day of February, 12th day of March, 8th day of August, and on the 18th day of August, 1864, for the purpose of raising money to pay bounties to volunteers to fill the quotas of said town, are hereby legalized and made valid. Bounty tax proceedings legalized.

SECTION 2. This act shall take effect and be in force from and after its passage.

Approved March 16, 1865.

CHAPTER 155.

[*Published May* 18, 1865]

AN ACT to authorize the expenditure of certain moneys in the town of Mt. Pleasant, in payment of bounties to volunteers and the families of drafted men.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Moneys may be paid as bounties to volunteers.

SECTION 1. All unexpended moneys now or hereafter to be collected by the town treasurer of the town of Mt. Pleasant, in the county of Racine, in payment of taxes heretofore levied in said town, for the purpose of paying bounties to volunteers in the service of the United States, shall be appropriated and paid out by the supervisors and treasurer of said town as bounties to volunteers who may have enlisted or who shall hereafter enlist under the call of the president of United States, of December 19th, 1864, for 300,000 men, and who shall hereafter enlist under any call of the president which may hereafter be made, and become credited to such town, and also to persons who shall procure substitutes for themselves before being drafted, and have them credited to said town upon its quota under any such call, and for the purpose of giving aid to the families of volunteers and drafted men from said town in the service of the United State or of this state: *provided*, that no more than two hundred dollars shall be paid to any such volunteer, or person furnishing a substitute, or to the family of any volunteer or drafted man, out of said moneys.

Limit to bounty.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 16, 1865.

CHAPTER 156.

[*Published May* 18, 1865.]

AN ACT to legalize the proceedings of a special town meeting in the town of Winfield, Sauk county.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. All of the proceedings of a special town meeting held in the town of Winfield, Sauk county, on the 14th day of February, A. D. 1865, for the purpose of voting bounties to volunteers, and for the support of the families of volunteers and drafted men, and also of the supervisors of said town in the disbursement ofthe funds raised at said meeting, are hereby declared legal and valid: *provided*, that nothing herein shall legalize or sanction the payment of more than two hundred dollars bounty to any one volunteer, or person furnishing himself a substitute. Bounty tax proceedings legalized.

SECTION 2. This act shall take effect and be in force from and after its passage.

Approved March 16, 1865.

CHAPTER 157.

[*Published May* 2, 1865.]

AN ACT to legalize all the proceedings of a special town meeting held in the town of New Chester, Adams county, Wisconsin, on the 18th day of August, A. D. 1864, for the purpose of raising bounty for volunteers in said town.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. All the proceedings of the town officers of the town of New Chester, Adams county, Wisconsin, in reference to a meeting held in said town on the 18th day of August, 1864, for the purpose of raising one thousand dollars bounty to fill the quota of said town, at the rate of two hundred dollars to each volunteer, as a local bounty, to clear said town from draft on the call Bounty tax proceedings legalized.

of July 18th, 1864, and all of the acts and proceedings of the town officers of said town in reference to filling the quota of said town under the resolutions at said town meeting, are hereby declared to be legal and valid for all purposes, notwithstanding any defects or omissions in or legal objections to the notices, the time and manner of posting the same, the holding and conducting said town meeting, or to the disposition made of the money raised, or the orders issued under the resolutions passed at said town meeting; and that the orders so issued by the town officers of said town, in the hands of any *bone fide* holder, shall be taken and held to be a legal and valid claim against said town, to all intents and for all purposes.

SECTION 2. This act shall be deemed a private act, and shall be published immediately, and shall take effect from and after its publication.

Approved March 16, 1865.

CHAPTER 158.

[*Published May* 1, 1865.]

AN ACT to legalize the official acts of N. B. Howard, acting supervisor of the town of Magnolia, county of Rock.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Acts legalized.

SECTION 1. All the official acts of N. B. Howard, acting supervisor of the town of Magnolia, county of Rock, by appointment, from the twenty-fourth day of January, 1865, to the fifteenth of February, 1865, are hereby declared to be legal and valid, the same as though he had been duly elected to such office.

SECTION 2. This act shall take effect and be in force from and after its passage.

Approved March 16, 1865.

CHAPTER 159.

[*Published May* 1, 1865.]

AN ACT to vacate an alley in the city of Portage.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. The alley as designated in the plat of Portage city, recorded by Joshua J. Guppy, county judge, &c., in block two hundred and twenty-one (221,) in said plat, is hereby vacated. Vacated.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 16, 1865.

CHAPTER 160.

[*Published May* 1, 1865.]

AN ACT to extend the time for the collection of a special tax in the town of Bradford, Rock county.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. The time for the collection of the special taxes of the town of Bradford, Rock county, voted for paying bounties to volunteers, and levied February 27th, 1865, is hereby extended to the first Monday in April next. Extended to April 3.

SECTION 2. The town treasurer of the town of Bradford, Rock county, shall have the same power to collect all special taxes in arrears in said town, by levy and distress, or otherwise, as provided by law for the collection of such special taxes, within the time specified in the first section of this act, at which time he is hereby required to make return of his warrant and doings in the premises, as is now required by law in such cases. Power of treasurer.

SECTION 3. This act shall take effect and be in force from and after its passage.

Approved March 16, 1865.

CHAPTER 161.

[*Published May* 18, 1865.]

AN ACT to detach a portion of the town of Kendall, in the county La Fayette, and to attach the same to the town of Belmont, in the same county.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Portions detached and attached.

SECTION 1. All that portion of township four north, of range two east, being sections nineteen, thirty and thirty-one, and sections six, seven and eighteen, in township three north, of range two east, is hereby detached from the town of Kendall, in La Fayette county, and attached to and made a part of the town of Belmont, La Fayette county, for all purposes whatsoever.

Collection of bounty taxes.

SECTION 2. That all taxes heretofore voted by said town of Kendall for bounty purposes, and provided to be levied upon the taxable property of that portion of said town of Kendall described in section one of this act, and hereafter to be collected, shall be paid to and collected by the town treasurer of the said town of Kendall, upon the assessment roll of the year 1865, in the same manner as if said portion had not been detached from said town by this act.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved March 16, 1865.

CHAPTER 162.

[*Published May* 1, 1865.]

AN ACT to amend section one of chapter two hundred and twenty-four of the general laws of 1861, entitled "an act to prevent the obstruction of navigation on the Wolf and Fox rivers."

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Amended.

SECTION 1. Section one of chapter two hundred and twenty-four of the general laws of 1861, is hereby

amended, by adding to said section the following words, to wit: "or to any part of Wolf river above the north line of town twenty-one."

SECTION 2. This act shall take effect and be in force from and after its passage.

Approved March 16, 1865.

CHAPTER 163.

[*Published May* 1, 1865.]

AN ACT to amend chapter 178 of the revised statutes, entitled "of the change of venue in criminal cases."

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. That chapter 178 of the revised statutes, entitled "of the change of venue in criminal cases," is hereby amended, by adding thereto a new section, to stand as section seven, and read as follows, to wit: "Section 7. In case the judge of the circuit court shall have acted as attorney or counsel for the defendant in any criminal cause or causes pending in such court, the said judge shall order a change of venue to an adjoining circuit, and the judge of such circuit shall hear and determine said cause or causes." Change of venue.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 16, 1865.

CHAPTER 164.

[*Published May* 1, 1865.]

AN ACT to amend chapter 40 of the general laws of 1861, entitled "an act requiring owners of certain machines to guard against accidents."

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Knuckles, &c. of threshing machines to be boxed.

SECTION 1. Section 1 of chapter 40 of the general laws of 1861, entitled "an act requiring owners of certain machines to guard against accidents," is hereby amended, so as to read as follows: "The joints or knuckles and jack of the tumbling rods of all threshing machines hereafter used in this state, except S. N. Taylor's knuckle or coupling, patented February 16th, 1864, shall be securely inclosed in a box."

SECTION 2. This act shall take effect and be in force from and after its passage.

Approved March 16, 1865.

CHAPTER 165.

[*Published May* 1, 1865.]

AN ACT to authorize and empower Asa Thorp to build and maintain a dock and pier extending into Green Bay.

(*See supplement to local laws.*)

CHAPTER 166.

[*Published May* 1, 1865.]

AN ACT to legalize the official acts of Allen H. Powers, as chairman of the board of supervisors of the county of Door.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. That all the official acts of Allen H. Powers, as chairman of the county board of supervisors of the county of Door, in this state, prior to the passage of this act, so far as the same are consistent with the general laws of this state, are hereby legalized and declared to be as valid for all purposes as though the said Allen H. Powers had filed his oath of office within the time appointed by law. Acts legalized.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 16, 1865.

CHAPTER 167.

[*Published May* 1, 1865.]

AN ACT to legalize the proceedings of a special town meeting of the town of Glencoe, in Buffalo county.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. All the acts and proceedings of a special town meeting held in and for the town of Glencoe, Buffalo county, in this state, on the twenty-seventh day of August, 1864, are hereby declared legal and valid, and all acts and proceedings of the town treasurer of said town, under and by virtue of the vote of said town, are hereby legalized and declared valid. Nothing herein contained shall be so construed as to sanction the payment of more than two hundred dollars to any volunteer, or person providing himself with a substitute. Bounty tax proceedings legalized. Limit to bounty

Return of delinquent taxes.

SECTION 2. The county treasurer of the county of Buffalo is hereby required to add to the delinquent taxes for the year 1864, the amount returned by the town treasurer of the said town of Glencoe, as delinquent of the special tax voted to be raised by said town at the time mentioned in section one of this act, and the said county treasurer shall proceed with such delinquent taxes so returned, in the same manner as in case of other delinquent taxes returned to him.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved March 18, 1865.

CHAPTER 168.

[*Published May* 1, 1865.]

AN ACT to legalize the acts of (*a*) special town meetings in the towns of Arlington and Lowville, in the county of Columbia.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Bounty tax proceedings legalized.

SECTION 1. The special town meeting in the town of Arlington, held on the 13th day of February, A. D. 1865, and the special town meeting held in the town of Lowville on the 10th day of February, 1865, in the county of Columbia, for the purpose of raising money by tax to pay bounties to volunteers, and incidental expenses, in the military service of the United States, are hereby declared legal and valid for all intents and purposes for which the same were held; and all acts done in pursuance of the vote or votes of said meetings, by the officers of said towns, or any of them, are hereby declared valid, the same as if the law had been complied with in noticing and conducting said meetings.

SECTION 2. All acts of the officers of said towns, or either of them, in proceeding to the immediate collection of said tax, are hereby legalized and declared valid.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved March 18, 1865.

CHAPTER 169.

[*Published May* 1, 1865.]

AN ACT to legalize the acts of a special election held in the town of Spring Grove, Green county, Wisconsin, on the 14th day of February, 1865.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. The special election held in the town of Spring Grove, Green county, Wisconsin, on the 14th day of February, 1865, for the purpose of raising money to give aid to families of volunteers and drafted men, is hereby declared legal and valid for all purposes for which the same was held: *provided*, that no more than two hundred dollars of the money so raised shall be paid to any volunteer or his family. Bounty tax proceedings legalized. Limit to bounty.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 18, 1865.

CHAPTER 170.

[*Published May* 2, 1865.]

AN ACT to incorporate the Master Coopers' association, of Milwaukee.

(*See supplement to local laws.*)

CHAPTER 171.

[*Published May* 3, 1865.]

AN ACT to incorporate the Galena lead company.

(*See supplement to local laws.*)

immunities to that portion of the lands granted to the state of Wisconsin, by an act of congress entitled "an act granting a portion of the public lands to the state of Wisconsin, to aid in the construction of railroads," approved June third, 1856, for the purpose of aiding in building a railroad from the river or Lake St. Croix, between townships twenty-five and thirty-one, to the west end of Lake Superior and to Bayfield, in said act mentioned, and which have been hitherto granted and conferred by the said state to and upon the St. Croix and Lake Superior railroad company, are hereby confirmed and granted to said company to an equal extent, and subject only to the same conditions and terms which are imposed and restricted upon said state by said act of congress.

Repeal.

SECTION 2. All and every act of this state in contravention of this act, are hereby repealed.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved March 20, 1865.

CHAPTER 175.

[*Published May* 2, 1865.]

AN ACT to confer upon the Saint Croix and Lake Superior railroad all the rights and privileges granted and conferred to the state of Wisconsin, by acts of congress approved June 3d, 1856, and May 5th, 1864.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Rights, privileges and lands granted and conferred.

SECTION 1. There is hereby granted and conferred to and upon the Saint Croix and Lake Superior railroad company, all the lands, rights, privileges and immunities granted and conferred to the state of Wisconsin, in granting lands for the purpose of aiding the construction of a railroad, and the extension of the time for the completion of the same, from the Saint Croix river or lake, between townships twenty-five and thirty-one, to the west end of Lake Superior and to Bayfield, as is conferred and granted to the state of Wisconsin by the act of congress approved May fifth, 1864; and

also, all the lands, rights and privileges heretofore granted and conferred by this state to and upon said company, to aid in building said railroad, as above described, which were embraced in the act of congress granting lands to the state of Wisconsin, approved June 3d, 1856, is hereby confirmed. And the point of intersection of the said Bayfield branch shall be and remain the same as is now fixed by the survey and maps now on file in the land office at Washington: *provided*, that said grant is made subject to all the conditions and restrictions as are imposed upon the state by the said acts of congress, respectively.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 20, 1865.

CHAPTER 176.

[*Published March* 23, 1865.]

AN ACT to change the Bank of Watertown to a national banking association.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. The Bank of Watertown, located and doing business in the city of Watertown, and state of Wisconsin, is hereby authorized and empowered to change and convert its capital stock or organization into a national banking association, as hereinafter provided, under the general banking law of the United States, and according to the provisions of the forty-fourth section of the act of congress entitled "an act to provide a national banking currency secured by a pledge of United States bonds, and to provide for the circulation and redemption thereof," approved June 3, 1864. May organize under national banking law.

SECTION 2. Whenever the stockholders of said bank owning at least two-thirds of the capital stock thereof, shall give their assent in writing, in due form of law, to change and convert said bank into a national banking association, and such assent having been filed in said bank, it shall and may be lawful for the direct- Assent of holders of two-thirds of stock necessary.

ors thereof, or a majority of them, to proceed at once to change and convert the same into a national association, with such name and style as they may choose to adopt, and also to perfect the organization of such new association, in pursuance of and in accordance with the provisions of said act of congress, anything in the laws of this state to the contrary notwithstanding.

When property shall vest in new association.

SECTION 3. Whenever the organization of such new association shall be complete under and in pursuance of said act of congress, all the property, personal and real, and of every kind and description, belonging to said Bank of Watertown, shall become and is hereby declared vested in the said national banking association, and the latter shall be deemed in law to be the successor of the former, so far as it relates to its legal rights and remedies, and also its liabilities. And from thence and thereafter, the said Bank of Watertown shall cease to be subject to the laws of this state under which it organized and had its existence, except so far as relates to the redemption of its circulating notes, and they may be returned [retired] by the new association in the mode and manner prescribed by the general banking law of this state, and the amendatory acts thereto: *provided, however*, that nothing in this act contained shall be so construed as to relieve the new association from the payment of the state tax, as now provided by law, until eighty per cent. of the circulating notes of said Bank of Watertown shall have been returned [retired,] pursuant to the provisions of section eleven of chapter seventy-one of the revised statutes, and the acts amendatory thereof.

Notes of old association may be retired by new.

State tax.

SECTION 4. This act shall take effect and be in force from and after its passage and publication.

Approved March 21, 1865.

CHAPTER 177.

[*Published May* 3, 1865.]

AN ACT to authorize certain towns to transfer moneys from the general fund to the school fund.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows.

Certain moneys may be transferred from general to school fund.

SECTION 1. The boards of supervisors of those towns which have not raised by order of the county boards of supervisors, a sum sufficient to entitle them to an apportionment of school moneys for the year 1865, are hereby authorized and directed to transfer from the general fund to the school fund of their respective towns, the amounts in which said towns are deficient; and upon the receipt by the state superintendent of public instruction, of the certificate of any town clerk that the requisite amount has been thus transferred, he shall apportion to said towns the full sum of school moneys to which such towns would have been entitled, provided the county board of supervisors had levied upon such towns the amounts required by law.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 22, 1865.

CHAPTER 178.

[*Published May* 3, 1865.]

AN ACT to incorporate the Wood county bridge company, and to repeal certain acts

(*See supplement to local laws.*)

ors thereof, or a majority of them, to proceed at once to change and convert the same into a national association, with such name and style as they may choose to adopt, and also to perfect the organization of such new association, in pursuance of and in accordance with the provisions of said act of congress, anything in the laws of this state to the contrary notwithstanding.

When property shall vest in new association.

SECTION 3. Whenever the organization of such new association shall be complete under and in pursuance of said act of congress, all the property, personal and real, and of every kind and description, belonging to said Bank of Watertown, shall become and is hereby declared vested in the said national banking association, and the latter shall be deemed in law to be the successor of the former, so far as it relates to its legal rights and remedies, and also its liabilities. And from thence and thereafter, the said Bank of Watertown shall cease to be subject to the laws of this state under which it organized and had its existence, except so far as relates to the redemption of its circulating notes, and they may be returned [retired] by the new association in the mode and manner prescribed by the general banking law of this state, and the amendatory acts thereto: *provided, however*, that nothing in this act contained shall be so construed as to relieve the new association from the payment of the state tax, as now provided by law, until eighty per cent. of the circulating notes of said Bank of Watertown shall have been returned [retired,] pursuant to the provisions of section eleven of chapter seventy-one of the revised statutes, and the acts amendatory thereof.

Notes of old association may be retired by new.

State tax.

SECTION 4. This act shall take effect and be in force from and after its passage and publication.

Approved March 21, 1865.

CHAPTER 177.

[*Published May* 3, 1865.]

AN ACT to authorize certain towns to transfer moneys from the general fund to the school fund.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows.

Certain moneys may be transferred from general to school fund.

SECTION 1. The boards of supervisors of those towns which have not raised by order of the county boards of supervisors, a sum sufficient to entitle them to an apportionment of school moneys for the year 1865, are hereby authorized and directed to transfer from the general fund to the school fund of their respective towns, the amounts in which said towns are deficient; and upon the receipt by the state superintendent of public instruction, of the certificate of any town clerk that the requisite amount has been thus transferred, he shall apportion to said towns the full sum of school moneys to which such towns would have been entitled, provided the county board of supervisors had levied upon such towns the amounts required by law.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 22, 1865.

CHAPTER 178.

[*Published May* 3, 1865.]

AN ACT to incorporate the Wood county bridge company, and to repeal certain acts

(*See supplement to local laws.*)

ganized and had its existence, except so far as relates to the redemption of its circulating notes, and they may be retired by the new association in the mode and manner prescribed by the general banking law of this state, and the amendatory acts thereto: *provided, however*, that nothing in this act contained shall be so construed as to relieve the new association from the payment of the state tax, as now provided by law, until eighty per cent. of the circulating notes of said Waukesha county bank shall have been retired, pursuant to section eleven (11) of chapter (71) of the revised statutes, and the acts amendatory thereof.

State tax.

SECTION 4. This act shall take effect and be in force from and after its passage and publication.

Approved March 22, 1865.

CHAPTER 181.

[*Published May* 6, 1865.]

AN ACT to change the Bank of Whitewater to a national banking association.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

May organize under national banking law.

SECTION 1. The Bank of Whitewater, located and doing business in the village of Whitewater, county of Walworth, and state of Wisconsin, is hereby authorized and empowered to change and convert its capital stock or organization into a national banking association, as hereinafter provided, under the general banking law of the United States, and according to the provisions of the forty-fourth section of the act of congress entitled "an act to provide a national currency secured by a pledge of United States bonds, and to provide for the circulation and redemption thereof," approved June 3d, 1864.

Assent of holders of two-thirds of stock necessary.

SECTION 2. Whenever the stockholders of said bank owning at least two-thirds of the capital stock thereof, shall give their assent in writing, in due form of law, to change and convert said bank into a national banking association, and such assent having been filed in

said bank, it shall and may be lawful for the directors thereof, or a majority of them, to proceed at once to change and convert the same into a national banking association, with such name and style as they may choose to adopt, and also to perfect the organization of such new association, in pursuance of and in accordance with the provisions of said act of congress, anything in the laws of this state to the contrary notwithstanding.

When property shall vest in new association.

SECTION 3. Whenever the organization of such new association shall be complete under and in pursuance of said act of congress, all the property, personal and real, and of every kind and description, belonging to said Bank of Whitewater, shall become and is hereby declared vested in the said national banking association, and the latter shall be deemed in law to be the successor of the former, so far as relates to its legal rights and remedies, and also its liabilities. And from thence and thereafter, the said Bank of Whitewater shall cease to be subject to the laws of this state under which it organized and had its existence, except so far as relates to the redemption of its circulating notes, and they may be retired by the new association in the mode and manner prescribed by the general banking law of this state, and the acts amendatory thereof: *provided, however*, that nothing in this act contained shall be so construed as to release the new association from the payment of the state tax, as now provided by law, until eighty per cent. of the circulating notes of said Bank of Whitewater shall have been retired, pursuant to section eleven of chapter seventy-one of the revised statutes, and the acts amendatory thereof.

Notes of old association may be retired by new.

State tax.

SECTION 4. This act shall take effect and be in force from and after its passage and publication.

Approved March 22, 1865.

CHAPTER 182.

[*Published May* 24, 1865.]

AN ACT to amend section fourteen (14) of chapter three hundred and fifteen (315) of the general laws of 1860, entitled "an act to provide for letting the public printing by contract, and to establish maximum prices for the execution thereof," and to provide for reletting the same, in certain cases.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Every bidder required to deposit $1,000 in bonds with state treasurer.

SECTION 1. Section five (5) of chapter three hundred and fifteen (315) of the general laws of 1860, entitled "an act to provide for letting the public printing by contract, and to establish maximum prices for the execution thereof," is hereby so amended as to read as follows: "Section 5. Every bid for printing or binding shall be accompanied by a certificate from the state treasurer, that the bidder or bidders have deposited with him one thousand dollars in money or United States bonds, or the bonds of the state of Wisconsin, which certificate shall be deposited with the secretary of state. Such certificate shall be accompanied by a written agreement of such bidder or bidders, under seal, which shall be to the effect, that if the bid be accepted, and after such bidder or bidders are notified thereof, he or they shall fail to enter into an obligation within the time prescribed by the commissioners, with good and sufficient sureties, for the performance of the service proposed, as hereinafter prescribed, and as contemplated in this act, said thousand dollars so deposited shall become absolutely forfeited to and shall belong to the state; and such agreement shall further be to the effect, that in case such bid is accepted, and such bidder or bidders enter into the obligation, and with the sureties hereinafter mentioned, to perform the services proposed, and such bidder or bidders fail to comply with their contract, and fail to perform such services, then and in such case the thousand dollars so deposited shall be absolutely forfeited to the state, and shall be no part of the penalty or damages to be paid and recovered upon such obligation; and in case such bid be rejected, the certificate and written agreement shall be returned to the bidder or bidders, otherwise the same shall be retained until

Agreement in relation to forfeiture of said $1,000

such obligation and contract be fully complied with. Every bid for printing and binding shall also be accompanied by a written guaranty, signed by such bidder orbidders and two or more responsible persons, to be approved by the commissioners, to the effect that they undertake that the bidder or bidders will, if his or their bid be accepted, enter into an obligation, in such time as may be prescribed by the commissioners, with good and sufficient sureties, to perform the services proposed. No bid shall be considered unless accompanied by such certificate from the state treasurer, written agreement and guaranty. If after the acceptance of a bid, and notification thereof to the bidder or bidders, he or they shall fail to enter into an obligation within the time prescribed by the commissioners, with good and sufficient sureties, in the sum of thirty thousand dollars, for the performance of printing, binding and furnishing materials, as contemplated by this act, then the commissioners shall proceed to let the contract to the next best bidder, unless in their opinion the best interests of the state require that new proposals shall be received, in which case they shall immediately proceed to advertise for new proposals, in the manner prescribed by this act."

Guaranty in relation to bond.

Bids not to be considered.

In case of failure to execute contract.

SECTION 2. Section fourteen of said chapter three hundred and fifteen (315,) is hereby so amended as to read as follows: "Section 14. If any bidder or bidders shall fail to enter into contract within the time prescribed, after the commissioners shall have accepted his or their bids, the bidder or bidders and the persons who were guarantors on such forfeited bids, shall each forfeit to the state the sum of five thousand dollars, besides the one thousand dollars deposited with the state treasurer, and shall be further liable to the state in damages to the amount of difference between the cost of the public printing under their bids, and the cost under any subsequent contract or contracts made by the commissioners in pursuance of the provisions of law for the execution of such printing, during the term covered by the bid of the party so forfeiting the same; and if any bidder or bidders shall enter into such obligation and contract, as provided in section one of this act, and shall at any time thereafter, before the expiration of their term of contract, refuse or neglect to do the public printing, or refuse or neglect to do the same according to the terms of their contract and the provisions

Forfeitures in case successful bidder fail to enter into contract.

of law, the bidder or bidders and the persons who are sureties upon such obligation, shall forfeit to the state the sum of thirty thousand dollars, besides the thousand dollars deposited with the state treasurer, and shall be further liable to the state in damages to the amount of difference between the cost of the public printing under their contract, and the cost under any subsequent contract or contracts made by the commissioners, in pursuance of the provisions of law, for the execution of such printing during the term covered by the contracts of the party or parties so failing to perform. And it shall be the duty of the commissioners to commence and prosecute to final judgment an action for the recovery of such penalty and damages forthwith, against such bidder or bidders and such guarantors, in case such bidder or bidders fail to enter into such obligation, as required by law, and to commence and prosecute to final judgment an action for the recovery of such forfeiture, penalty and damages against such bidder or bidders and their sureties so entering into such obligation, and who shall thereafter so fail or neglect to do the public printing, or refuse or neglect to do the same according to the terms of their contract."

Commissioners to prosecute.

Reletting of contract.

SECTION 3. In case of the refusal or neglect of the contractor or contractors to execute the printing according to the terms of their contract, the commissioners shall immediately proceed to relet the contract, by the publication in at least ten (10) newspapers printed in the state, of a simple notice that bids will be received for twenty (20) days, according to the specifications on file in the office of the secretary of state, under the same restrictions relative to filing security with each bid, as provided in section one of this act, and in the manner prescribed by the act whereof this is amendatory, allowing the successful bidder or bidders, if they should so desire, thirty (30) days from the time of awarding the contract, before entering upon the execution of the same.

Temporary printing.

SECTION 4. The commissioners are hereby authorized, at any time when there is no existing contract for executing the public printing, or in case the contractor or contractors refuse or neglect to perform the public printing under their contract, to procure all necessary printing to be done at the state capital, at the lowest

terms possible, until the same may be relet under the provisions of this act.

SECTION 5. The following prices for printing and binding and furnishig paper to be used in the public printing, are hereby established as maximum prices for doing the work and furnishing materials for the public printing and binding of this state: Maximum prices

COMPOSITION, PER 1000 EMS.

Plain,	$0 60
Figure work,	90
Rule and figure work,	1 20

PRESS WORK.

Per token,	60

PAPER, PER QUIRE.

Book, 24 by 36 inches, weight not less than 50 lbs. per ream,	1 00
Print, for pamphlet work and daily slips, 24 by 36 inches, weight not less than 35 lbs. per ream,	60
For bill work, cap size,	40

FOLDING.

Per 100 sections of eigth pages,	12

STITCHING, TRIMMING AND COVERING PAMPHLETS.

Per 100 copies,	1 25

BINDING, PER VOLUME.

In pasteboard,	40
In cloth,	50
In sheepskin,	75
In calfskin,	1 25

BLANK BOOKS, PER QUIRE, INCLUDING RULING AND PRINTING.

Cap size, full sheep,	1 50
Cap size, half-binding, sheep back,	1 25
Cap size, Russia ends and bands,	2 00
Medium size, Russia ends and bands,	4 00
Medium size, extra Russia ends and bands,	4 50
Medium size, full Russia,	5 00
Flat cap or folio post, full sheep,	2 00
Flat cap or folio post, Russia ends and bands,	2 50
Flat cap or folio post, extra Russia ends and bands,	3 00
Flat cap or folio post, full Russia,	3 50
Flat cap or folio post, half-binding, sheep back,	1 50

BLANKS, PER QUIRE.

Letter or cap,	1 25
Flat cap,	2 00
Folio post,	2 50
Medium,	3 00

All blanks as above, requiring both sides to be printed, shall be paid by adding to price bid by the contractor for printing on one side, 60 per cent. A token is 240 impressions upon one side of 240 distinct sheets of paper, or 240 impressions on both sides of 120 sheets: Rules of computation.

provided, that the public printer, in executing the printing of any pamphlet, book or daily slip, of less than 32 and more than 16 standard pages, shall be allowed for the same as for a full sheet. If less than 16 such pages, they or it shall be counted as half sheets, for the purpose of estimating paper. And to every book, pamphlet or daily slip of more than 32 such pages, the same rule shall apply to the remainder left, by dividing the number of pages in the work by 32. All orders for printing in the English language (other than that required by general statute to be done each year) for the use of any department whatsoever, or for any purpose whatsoever, shall be made through the secretary of state; and the secretary of state shall audit the bill for the same, only upon the receipt of the officer or person for whom the same is ordered, certifying that the work has been received and counted, and found to correspond with the original order for the work.

Orders must be made through secretary of state

Receipt required before auditing bill.

Repeal.

SECTION 6. All acts and parts of acts conflicting with the provisions of this act, are hereby repealed.

SECTION 7. This act shall take effect and be in force from and after its passage.

Approved March 22, 1865.

CHAPTER 183.

[*Published March* 23, 1865.]

AN ACT to provide for the numbering of buildings in the city of Milwaukee.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Numbering buildings.

SECTION 1. The mayor and common council of the city of Milwaukee shall have full power and authority to compel by ordinance, fine or otherwise, the owners and occupants of all houses, stores and other buildings within the city of Milwaukee, to number the same in such manner as said mayor and common council may from time to time prescribe.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 22, 1865.

CHAPTER 184.

[*Published May* 8, 1865.]

AN ACT to legalize the acts of an adjourned meeting held on the 19th day of April, 1864, in the town of Genoa, Vernon county, Wisconsin.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. The adjourned meeting held in the town of Genoa, Vernon county, Wisconsin, on the 19th day of April, 1864, for the purpose of raising a special tax to pay individuals who had advanced money to pay bounties to volunteers enlisting into the military service of the United States, to the amount of eleven hundred dollars, is hereby declared legal and valid for all the intents and purposes for which the same was held; and all acts done in pursuance of the vote or votes of said election, by the officers of said town, or any of them, are hereby declared valid, the same as if the law had been fully complied with in conducting said election. Bounty tax proceedings legalized.

SECTION 2. All acts of the officers of said town, or either of them, in the proceedings, are hereby legalized and declared valid.

SECTION 3. This act shall take effect and be in force from and after its passage.

Approved March 22, 1865.

CHAPTER 185.

[*Published May* 8, 1865.]

AN ACT to incorporate the Wisconsin watercure institute.

(*See supplement to local laws.*)

CHAPTER 186.

[*Published May* 8, 1865.]

AN ACT to legalize marriages solemnized by court commissioners.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Legalized.

SECTION 1. All marriages heretofore solemnized within this state by court commissioners, in their respective counties, shall be regarded and held as of the same validity as though the same had been solemnized by a circuit judge or minister of the gospel, according to law.

SECTION 2. This act shall be published immediately, and be in force from and after its passage and publication.

Approved March 22, 1865.

CHAPTER 187.

[*Published May* 8, 1865.]

AN ACT to authorize William Taintor, secretary of the late Milwaukee and Mississippi railroad company, to discharge certain mortgages.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

May satisfy mortgage.

SECTION 1. William Taintor, secretary of the late Milwaukee and Mississippi railroad company, is hereby authorized and empowered to satisfy and discharge of record, any farm mortgage executed to Edward D. Holton, and by him assigned, transferred or delivered to said railroad company, in payment of stock, upon the request of the holder of said mortgage, or at the request of the mortgagor or his legal representatives having any such mortgage in his or their possession.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 22, 1865.

CHAPTER 188.

[*Published May* 4, 1865.]

AN ACT relating to costs and fees, and amendatory of section one of chapter 238 of the general laws of 1862.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Witness fees of successful party not to exceed $15.

SECTION 1. Section one of chapter 238 of the general laws of 1862, is hereby amended, so as to read as follows: "Section 1. That section twenty-one of chapter 133 of the revised statutes, entitled "of costs and fees,' is hereby amended, so as to read as follows, viz.: 'Section 21. In all civil cases in courts held by justices of the peace, the party in whose favor judgment is given, shall recover costs: *provided*, that the witness fees recovered by such party shall in no case exceed fifteen dollars.'"

SECTION 2. This act shall take effect and be in force from and after its passage.

Approved March 22, 1865.

CHAPTER 189.

[*Published May* 5, 1865.]

AN ACT in addition to and to amend chapter 318 of the private and local acts of the year (A. D.) 1855, approved March 30th, 1855, entitled "an act for the establishment of a house of refuge for juvenile and other delinquents, in the county of Milwaukee."

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Name changed.

SECTION 1. Chapter three hundred and eighteen of the acts of a private and local nature, of the year (*A. D.*) 1855, entitled "an act to authorize the establishment of a house of refuge for juvenile and other delinquents, in the county of Milwaukee," is hereby amended, by striking out the words "house of refuge," wherever they occur therein, and by inserting in lieu thereof the words "house of correction."

line of said section, and inserting in lieu thereof the word "boards."

U. S. prisoners.

SECTION 7. The said board of supervisors of the county of Milwaukee are hereby authorized to contract with the proper authorities of the United States, for the keeping and support within said house of correction, of all prisoners that may be sentenced to imprisonment by the courts of the United States within this state, upon such terms as shall be agreed upon by said board and said authorites of the United States.

SECTION 8. This act shall take effect from and after its passage and publication.

Approved March 22, 1865.

CHAPTER 190.

[*Published May* 4, 1865.]

AN ACT to amend chapter 101 of the private and local laws of the year 1857, entitled "an act to incorporate the Wolf river boom company, and to repeal chapters 101 and 540 of the private and local laws of the year 1856," and to repeal chapter 48 of the private and local laws of the year 1862, entitled "an act to amend an act entitled 'an act to incorporate the Wolf river boom company,' and to repeal chapters 101 and 540 of the private and local laws of the year 1856."

(*See supplement to local laws.*)

CHAPTER 191.

[*Published May* 4, 1865.]

AN ACT to detach certain lands from the county of Marquette, and attach the same to the county of Green Lake.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Detached from Green Lake.

SECTION 1. All that portion of the county of Marquette, lying east of Grand river and south of the Fox river, (being fractional parts of section numbers one, in

township fourteen north, of range ten east, and thirty-five, twenty-five, and the whole of sections number thirty-six, in township fifteen north, of [range] ten east,) is hereby detached and set off from the county of Marquette, and shall hereafter be attached to and constitute a part of the county of Green Lake.

Attached to Marquette.

SECTION 2. All that portion of townships fourteen and fifteen set off by this act from the county of Marquette, shall hereafter constitute and form a part of the town of Marquette, in the county of Green Lake.

Question to be submitted to vote.

SECTION 3. At the annual town meeting to be held on the first Tuesday in April next, the qualified voters of the county of Marquette may vote upon the question of detaching certain lands from the county of Marquette, and attaching the same to the county of Green Lake, as herein provided. Those electors who desire the detachment contemplated by this act, may deposit a ballot upon which shall be written or printed the words, "for detaching," and those electors who are opposed to detaching certain lands as herein provided, may deposit a ballot upon which shall be written or printed the words, "against detaching." The votes so cast in said county of Marquette, shall be canvassed in the same manner that the votes for county officers are canvassed, and said canvass, when so made, shall be recorded in the offices of the clerks of boards of supervisors in the counties of Marquette and Green Lake, and a certified copy thereof shall be forthwith forwarded to the secretary of state, to be filed in his office.

Form of ballots, and canvass and return of same.

Take effect.

SECTION 4. If a majority of all the votes cast at such election, upon this subject, in said county, shall be "for detaching," then this act shall be in full force and effect from and after the first day of May next.

Repeal.

SECTION 5. All acts or parts of acts conflicting with the provisions of this act, are hereby repealed.

SECTION 6. This act is hereby declared to be a public act, and shall take effect and be in force from and after its passage.

Approved March 22, 1865.

CHAPTER 192.

[*Published May* 4, 1865.]

AN ACT to amend section 20 of chapter 125 of revised statutes, entitled "of pleadings in civil actions."

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

How to state an account in pleading.

SECTION 1. Section 20 of chapter 125 of the revised statutes is hereby amended, so as to read as follows: "Section 20. It shall not be necessary for a party to set forth in a pleading the items of an account therein alleged, but he shall deliver to the adverse party, within ten days after a demand thereof in writing, a copy of the account, which, if the pleading is verified, must be verified by his own oath or that of his agent or attorney, to the effect that he believes it to be true, or be precluded from giving evidence thereof. The court or a judge thereof, or a county judge or court commissioner, may order a further account when the one delivered is defective; and the court may in all cases order a bill of particulars of the claim of either party to be furnished."

SECTION 2. This act shall take effect and be in force from and after its passage.

Approved March 22, 1865.

CHAPTER 193.

[*Published May* 6, 1865.]

AN ACT to legalize a special town meeting held in the town of Decatur, Green county, and to authorize the immediate collection and disbursement of the same, and appropriate surplus money.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Bounty tax proceedings legalized.

SECTION 1. The special town meeting held in the village of Brodhead, town of Decatur, Green county, state of Wisconsin, on the seventh day of January, 1865,

having voted a special tax of five thousand dollars, to be assessed upon the real and personal property of said town, to pay bounties to volunteers who should thereafter enlist and be mustered into the military service of the United States, to the credit of the quota that shall be assigned to the said town of Decatur, under the then existing call of the president of the United States for three hundred thousand troops, is hereby declared legal, valid and binding upon said town, notwithstanding any irregularities, errors or omissions or mistakes that may have occurred in the calling, notifying or holding the said election.

Levy and collection of tax.

SECTION 2. The board of supervisors of said town are hereby authorized and required, immediately after the passage and publication of this act, to levy and collect a special tax of five thousand dollars upon the real and personal property of said town, as exhibited by the last assessment roll thereof, said tax to be levied and collected in the same manner that other taxes are now levied and collected in said town: *provided*, that the warrant annexed to the tax roll shall command the treasurer to collect the taxes mentioned in said roll within thirty days from the date thereof; *and provided, further*, that if any portion of said taxes cannot be collected, the said treasurer shall return the same to the county treasurer, and the county treasurer shall proceed in relation to the same in all respects as now provided by law in case of other delinquent taxes.

Return of delinquent taxes.

Proceeds to be used in redemption of town orders, &c.

SECTION 3. The proceeds of the tax authorized by the preceding section, shall be used to redeem the orders issued by the chairman and attested by the clerk of said town, pursuant to the vote of a majority of the electors of said town, at a meeting held on the seventh day of January, 1865; *and provided, further*, that any surplus moneys that may remain in the hands of the treasurer of said town, after paying the orders issued as aforesaid, may be used to pay additional bounties that may be required to be paid to fill the quota of said town.

SECTION 4. This act shall take effect and be in force from and after its passage and publication.

Approved March 22, 1865.

CHAPTER 194.

[*Published May* 5, 1865.]

AN ACT relating to actions and writs of *scire facias* and *quo warranto*, and amendatory of section one of chapter one hundred and sixty of the revised statutes.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Scire facias and *quo warranto*, as prescribed in said chapter.

SECTION 1. Section one of chapter one hundred and sixty of the revised statutes, is hereby amended, so as to read as follows: "Section 1. The writ of *scire facias*, the writ of *quo warranto*, and proceedings by information in the nature of *quo warranto*, shall be as here prescribed, and the remedies heretofore obtainable in those forms may be obtained by civil action, as now prescribed by law; but any proceedings heretofore commenced, or judgment rendered, or right acquired, shall not be affected by this act. It shall not be necessary to sue out such writs in form."

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 22, 1865.

CHAPTER 195.

[*Published May* 8, 1865.]

AN ACT relating to trial by jury, and amendatory of section 18 of chapter 132 of the revised statutes.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Trial by jury—how waived.

SECTION 1. Section eighteen of chapter one hundred and thirty-two is hereby amended so as to read as follows: "Trial by jury may be waived, by the several parties to an issue of fact, in actions on contract, and with the assent of the court in other actions, in the manner following: 1st. By failing to appear at the trial. 2d. By written consent, in person or by attorney, filed with the clerk. 3d. By oral consent in open court, entered in the minutes."

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 22, 1865.

CHAPTER 196.

[*Published March* 24, 1865.]

AN ACT to authorize the Dane county bank to reduce its capital stock.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. The Dane county bank, of Madison, is hereby authorized to reduce its capital stock to any sum not less than twenty-five thousand dollars, upon filing with the bank comptroller a certificate from the secretary of state, that said bank has complied with the requirements of subdivision thirteen of an act to amend chapter 479 of the general laws of Wisconsin for the year 1852, entitled "an act to authorize the business of banking in the state of Wisconsin," approved May 15th, 1858, and setting forth in said certificate the amount to which such capital stock is to be reduced: *provided*, that said bank shall not be allowed to reduce its capital stock to an amount less than its circulating notes outstanding at the time of the filing of the certificate required in this section; and said bank shall be required to pay to the state treasurer all the taxes due to the state on the full amount of its capital up to and including the day on which such certificate is filed with the bank comptroller. Capital stock may be reduced. Proviso.

SECTION 2. The president and cashier of the bank named in section one of this act, shall file in the office of the register of deeds of Dane county, a certificate, under oath, stating the sum to which the capital stock of said bank is reduced. Certificate to be filed.

SECTION 3. This act shall take effect and be in force from and after its passage.

Approved March 23, 1865.

CHAPTER 197.

[*Published April* 3, 1865.]

AN ACT to consolidate and amend an act entitled "an act to incorporate the city of Madison," approved March 4th, 1856, and the several acts amendatory thereof.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

CHAPTER I.

CITY AND WARD BOUNDARIES.

City of Madison.

SECTION 1. All that district of country in the county of Dane, hereinafter described, from and after the seventh day of March, in the year of our Lord one thousand eight hundred and fifty-six, shall be a city, by the name of Madison, and the people now inhabiting and those who shall inhabit said district, shall be a municipal corporation, by the name of the "city of Madison," and shall have the general powers possessed by municipal corporations at common law, and in addition thereto shall have and possess the powers hereinafter specifically granted, and the authorities thereof shall have perpetual succession, and shall be capable of contacting and being contracted with, of suing and being sued, pleading and being impleaded, in all courts of law and equity, and shall have a common seal, and may change and alter the same at pleasure.

Limits of city.

SECTION 2. All of section six (6) except the east half of the southeast quarter, all of section seven (7) except the east half of the northeast fractional quarter, in township No. seven (7) north, of range No. ten (10) east, lots three (3) and four (4,) in the southeast quarter of section twelve (12,) all of sections thirteen (13) and fourteen (14,) twenty three (23) and twenty-four (24,) all of the southeast fractional quarter of section fifteen (15,) the east fractional half of section twenty-two (22,) the east fractional half of the southwest quarter of section twenty-two (22,) so much of the north part of the west half of the northwest quarter of section twenty-six (26) as is covered by the recorded plat of "Greenbush addition to the village of Madison," and the northeast fractional quarter of section twenty-seven (27,) in township No. seven (7) north, of range No.

nine (9) east of the fourth principal meridian in the state of Wisconsin, together with the entire surface of lakes Monona and Mendota to the shores at high water mark around the same, shall be included in and constitute the limits of the city of Madison.

Wards.

SECTION 3. The city of Madison shall be divided into four wards, as follows, to wit: All that part of said city lying north and west of lines drawn through the center of Wisconsin and Washington avenues, Washington street and the Mineral Point road to the city limits, shall constitute and be known as the first ward. All that part of said city lying north and east of lines drawn through the center of Wisconsin and Washington avenues and Winnebago road to the city limits, shall constitute and be known as the second ward. All that part of the city lying south and east of a line drawn through the center of Washington and Wisconsin avenues and Winnebago road, shall constitute and be known as the third ward. All that part of said city lying south and west of a line drawn through the center of Washington and Wisconsin avenues, Washington street and the Mineral Point road, shall constitute and be known as the fourth ward.

How corporate authority vested.

SECTION 4. The corporate authority of said city shall be vested in one principal officer, styled the mayor, in one board of aldermen, consisting of three members from each ward, who with the mayor shall be denominated the common council, together with such other officers as are hereinafter mentioned or may be created under this act.

CHAPTER II.

ELECTIONS.

Elective officers.

SECTION 1. The elective officers of said city shall be a mayor, a treasurer, a police justice for the city at large, and three aldermen, one justice of the peace, and one constable for each ward, which said officers shall hold their respective offices as follows: The mayor, treasurer, constables and two aldermen in each ward, for one year; one alderman in each ward, police justice and justices of the peace, for two years. The term of officers shall commence on the third Tuesday of April, in each year in which such officers have been elected. Each of said officers shall continue in office for his respective term, and until his successor is elected and

Terms of office.

qualified, and shall have such powers and perform such duties as are prescribed in this act, or as may be prescribed in any ordinance of said city, not inconsistent with this act, or which may not be incompatible with the nature of their respective offices.

Annual election.

SECTION 2. The qualified voters of the city of Madison shall hold an election on the first Tuesday of April, in each year, for the election of city and ward officers. The mayor, treasurer and police justice shall be qualified voters, resident in said city; and the ward officers shall be qualified voters and residents of the respective wards for which they are elected. Said elections shall be held in the several wards for the officers herein designated, and shall be presided over by the aldermen in the respective wards, or in case of their absence or disability, the voters present at the hour of opening the polls shall elect by *viva voce*, a sufficient number of inspectors to make three with the alderman or aldermen present, who shall be sworn in accordance with the laws of this state. They shall appoint and swear two clerks, and shall see the names of the voters registered, and the ballots safely deposited in the ballot box; shall decide all questions that may arise as to the legality of the votes presented; shall count the ballots at the close of the polls, and shall certify and seal two returns, and the day following the election, shall direct and return one of the said returns to the city clerk of the city of Madison, the other to the clerk of the board of supervisors for the county of Dane. The mayor of the city and such members of the common council as shall hold over, shall constitute a board of canvassers, who shall within five days after such election, meet at the common council chamber and canvass such returns; and after the aforesaid returns have been canvassed by said board, the mayor shall notify, by a certificate, the persons elected to the respective offices. The polls shall be kept open in the respective wards from nine o'clock in the forenoon until five o'clock in the afternoon. Said elections shall be conducted in accordance with this act and of the existing laws of the state of Wisconsin, and any frauds or violation of said laws at such elections, shall be punishable in the same manner as any violation of the election laws in any part of the state.

Council

SECTION 3. In the event of a vacancy in the office of

mayor or alderman, by death, removal or other disability, the common council shall order a new election, and shall give five days' notice thereof. Any vacancy in other offices shall be filled by the common council. The person appointed or elected to fill a vacancy, shall hold his office and discharge the duties thereof for the unexpired term, with the same rights and subject to the same liabilities as the person whose office he may be elected or appointed to fill.

Election to be by ballot—tie vote.

SECTION 4. All elections by the people shall be by ballot, and plurality of votes shall constitute an election. All elections by the council may be *viva voce*. When two or more candidates for an elective office shall receive an equal number of votes for the same office, the election shall be determined by the casting of lots in the presence of the common council, at such time and in such manner as they may direct.

Qualifications of voters.

SECTION 5. All persons who are qualified electors of the state of Wisconsin, and who shall have resided in the city thirty days next preceding an election in the city of Madison, and in the ward where they offer their vote ten days next preceding such election, shall be deemed qualified electors of said city and ward.

Challenge.

SECTION 6. If either of the inspectors of election or alderman shall suspect that any person offering to vote does not possess the necessary qualifications of an elector, or if such vote be challenged by an elector, the inspector or alderman, before receiving any such vote, shall require the voter offering to take the following oath: "You do solemnly swear (or affirm, as the case may be,) that you are twenty-one years of age; that you are a citizen of the United States, or have declared your intention to become a citizen conformably to the laws of the United Srates on the subject of naturalization; that you have resided in the state of Wisconsin one year next preceding this election; and that you have resided in the city of Madison thirty days, and within this ward ten days next preceding this election, and that you have not voted at this election, and that you have made no bet or wager depending on the result of this election." And if the person offering to vote shall take such oath, his vote shall be received; and if such person shall take such oath falsely, he shall be deemed guilty of a willful and corrupt perjury, and upon conviction thereof, upon indictment, shall suffer the pun-

Oath.

Penalty for false oath.

ishment provided by law for persons guilty of perjury.

Penalty for voting more than once.

If any person who is not a qualified voter shall vote at any election, or if any person duly qualified shall vote in any other ward than the one in which he resides, or shall vote more than once at any election, he shall be liable to indictment, and on conviction thereof shall forfeit and pay a sum not exceeding one hundred dollars nor less than twenty five dollars It shall be the duty of the inspector to keep a list of the names of all persons whose vote may be challenged as aforesaid, and shall swear in their votes And if any inspector or alderman shall knowingly and corruptly receive the vote of any person not authorized to vote, or shall make out false returns of any election, or any clerk shall not write down the name of every voter as he votes, or shall willfully make untrue and incorrect counts and tallies of votes, each and every inspector or clerk shall be liable to indictment, and on conviction thereof shall severally forfeit and pay a sum not exceeding five hundred dollars nor less than one hundred dollars. All such indictments shall be tried in the circuit court for the county of Dane.

List of votes challenged.

Penalty for frauds by inspectors or clerks.

Special elections.

SECTION 7. Special elections to fill vacancies, or for any other purpose, shall be held and conducted by the aldermen of each ward, or inspectors, as provided by this act, and returns thereof shall be made in the same time, form and manner as of general or annual elections.

Election of aldermen.

SECTION 8. The senior aldermen of each ward who were elected at the election held in the city of Madison, on the first Tuesday of April, A. D. 1864, for the term of two years, or who have since been elected at any special election to fill any vacancy in the office of senior alderman in any ward of said city, shall continue in office until the expiration of the terms to which they were respectively elected; and there shall be elected at the first election under this act, one alderman in each ward, who shallh old his office for two years, and onealderman who shall hold his office for one year,and at every annual election thereafter, one alderman in each ward who shall hold his office for two years, and one alderman who shall hold his office for one year. The alderman having the highest number of votes in each ward shall be the alderman for two years.

SECTION 9. Any officer removing from the city, and

any ward officer removing from the ward for which he was elected, and any officer who shall neglect or refuse to qualify on or before the third Tuesday of April next after his election, shall be deemed to have vacated his office, and the common council shall proceed to fill such vacancy, as herein provided. All officers appointed or elected to fill any vacancy, shall enter upon the duties of such office immediately after receiving notice of such election or appointment.

CHAPTER III.

OFFICERS—THEIR POWERS AND DUTIES.

Oaths and bonds of officers.

SECTION 1. Every person elected or appointed to fill any vacancy under this act, shall, before he enters upon the duties of his office, take and subscribe an oath of office, and file the same, duly certified by the officer taking the same, with the city clerk; and the treasurer, chief of police, street superintendent, constables, police justice and justices of the peace, and such other officers as the common council may direct, shall severally, before they enter upon the duties of their respective offices, execute to the city of Madison a bond in such sum and in such security and such conditions as the common council may direct; and the common council may, from time to time, require new or additional bonds, and remove from office any officer refusing or neglecting to give the same.

Duties of mayor.

SECTION 2. The mayor, when present, shall preside over the meetings of the common council, and shall take care that the laws of the state and the ordinaces of the city, within the corporation, are duly enforced and observed, and that all officers of the city discharge their respective duties. He shall also appoint a chief of police, which appointment shall be approved by the common council before he shall enter upon the duties of his appointment, and whose compensation shall not exceed one dollar and fifty cents per day, to be determined by the common council. Themayor may also appoint as many special or temporary police on election days, or other public or unusual occasions, as he may think proper, but no such special or temporary police shall be paid any compensation for his services out of the city treasury, unless otherwise ordered by a vote of three-fourths of all the members of the common council. The common council may, by ordinance, prescribe

the powers and duties of police and other peace officers. The mayor shall communicate in writing to the common council once a year, such information as he may deem necessary, and at all times give such information as the common council may require.

President of the council—his duties.

SECTION 3. At the first meeting of the common council each year, or as soon thereafter as may be, they shall proceed to elect by ballot one of their number president, and in the absence of the mayor, the said president shall preside over the meetings of the common council, and during the absence of the mayor from the city, or his inability from any cause to disharge the duties of his office, the president shall execute all the powers and discharge all the duties of mayor. In case the mayor and president shall be absent from any meetings of the common council, they shall proceed to elect a temporary presiding officer, who for the time being shall discharge the duties of mayor. The president or temporary presiding officer, while presiding over the council or performing the duties of mayor, shall be styled acting mayor, and acts performed by them shall have the same force and validity as if performed by the mayor. But the president of the council, as acting mayor, shall sign no order, warrant or other proceeding whatever, which the mayor has refused to sign, and communicated such refusal to the council.

President *pro tem*

City clerk—his duties.

SECTION 4. The commen council shall elect a city clerk. He shall keep the corporate seal and all the papers and records of the city. He shall attend the meeting and keep a record of the proceedings of the common council. The records of the common council kept by him shall be evidence in all legal proceedings, and copies of all papers filed in his office, and transcripts from the records certified by him under the corporate seal, shall be evidence in all courts in like manner as if the original were produced. He shall keep a full and accurate account of all orders drawn on the city treasury in a book provided for that purpose, and shall also keep an accurate account with the treasurer, and charge him with all tax lists delivered to him for collection, and all sums of money paid into the treasury. Whenever the clerk shall be absent from any meeting, the city council may appoint a clerk *pro tem.* The city clerk shall have power and authority to administer oaths and affirmations.

Clerk *pro tem.*

SECTION 5. The treasurer shall receive all money belonging to the city, and keep an accurate and detailed account thereof, together with an account of all disbursements, in such manner as the common council shall direct. He shall report to the common council as often as required, and annually at least ten days before the annual election, a full and detailed account of all receipts and expenditures after the date of the last annual reports, and also of the state of the treasury, which statement shall be filed with the clerk. Treasurer—his duties.

SECTION 6. The chief of police shall perform such duties as shall be prescribed by ordinance, for the preservation of the public peace and the collection of fines and license moneys. He shall possess the power of a constable at common law or by the laws of this state, and receive like fees; but shall not serve civil process in any case, unless the city is a party, nor shall he receive any fees for serving any process, making any arrest or performing any duties from the city of Madison, except his *per diem* hereinbefore provided for, nor shall he go beyond the city limits to make any arrests or to serve any process, unless the cause for making such arrest or for issuing such process arose within the city. Chief of police—his powers and duties.

SECTION 7. The common council shall have power from time to time, to require other and further duties to be performed by any officer whose duties are herein prescribed, and to appoint such other officers as may be necessary to carry into effect the provisions of this act, and to prescribe their duties, and to fix the compensation of all officers elected or appointed by them. Such compensation shall be fixed by resolution at the time the office is created, or at the commencement of the year, and shall not be increased or diminished during the term such officer shall remain in office. Further duties may be required of officers. Pay of officers.

SECTION 8. The common council shall annually provide that all printing authorized and required by them to be done for their use or for the city, shall be let by contract to the lowest bidder for the term of one year, but no bid therefor shall be considered unless made by the publisher of a daily newspaper printed and published in the city of Madison, unless the bids of such publishers shall be higher than the rates of legal advertising as fixed by law, or unless such publishers should fail to bid. All ordinances and other proceedings required by this act or by the by-laws or City printing.

ordinances of the common council, to be published, shall be published in the newspaper selected under the provisions of this section. And the printer of said newspaper shall, either in person or by his foreman, file with the clerk of the city his or their affidavits of the length of time said ordinance, by-law or proceeding has been published, and such affidavits shall be conclusive evidence of the publication of such notice, ordinance, proceeding or by-law.

Proof of publication.

Penalty for not delivering books, &c. to successor.

SECTION 9. If any person having been an officer in said city, shall not within ten days after notification and request, deliver to his successor in office all property, moneys, books, papers and effects of every descripton, in his possession, belonging to said city or pertaining to the office he may have held, he shall forfeit and pay to the use of the city one hundred dollars, besides all damages caused by his neglet or refusal so to deliver, and such successor may recover the possession of such books, papers and effects in the manner prescribed by this laws of the state.

Chief officers.

SECTION 10. The mayor, sheriff of Dane county, each and every alderman, justice of the peace, chief of police, constable, and watchman, shall be offiers of the peace, and suppress, in a summary manner, all rioting and disorderly behavior within the limits of the city, and for such purpose may command the assistance of all bystanders, and, if need be, of all citizens and military companies. If any person, bystander, military officer or private shall refuse to aid in maintaining the peace when so required, every such person shall forfeit and pay a fine of fifty dollars, and in case where the civil power may be required to suppress riots or disorderly behavior, the superior or senior officer present, in the order mentioned in this section, shall direct the proceedings.

Powers of police justice.

SECTION 11. The police justice shall have and possess all the authority, powers and rights of a justice of the peace in civil proceedings, and shall have sole and exclusive jurisdiction to hear all complaints and conduct all examinations and trials in criminal cases within the city, and shall have exclusive jurisdiction in all cases to which the city shall be a party, and shall have the same power and authority in cases of contempt as a court of record: *provided*, that nothing herein contained shall be deemed to divest the judges of the cir-

cuit or county courts of their authority as conservators of the public peace, nor to affect in any manner the powers or jurisdiction of the circuit or county courts of Dane county. The police justice shall be entitled to receive for his services the same compensation in fees as is allowed by law to justices of the peace for similar services, and no other, but the city shall not be liable to said police justice for his said fees, except such as shall accrue in prosecutions for the violation of the charter or ordinances of the city, wherein the costs are not and cannot be collected of the offender. In case of the absence, sickness or other inability of the police justice, the mayor, by warrant, may authorize any justice of the peace within said city to perform the duties of police justice, and it shall thereupon be the duty of the mayor to inform the chief of police of such substitution, and make report thereof to the common council, and they may confirm or set aside such appointment, and the justice so appointed shall for the time being possess all the authority, powers and rights of police justice. Appeals and writs of certiorari may be taken from the police justice in the same manner as from justices of the peace. His fees.

SECTION 12. The police justice shall quarterly report to the common council a list of all proceedings instituted before him in behalf of the city, and the disposition thereof, and shall at the same time account and pay over to the treasurer the amount of all penalties and fines collected, which may by law accrue to the city. The city shall not be liable or pay any costs for violations of any law of this state; and such justice shall pay to the county treasurer all fines collected for offenses against the laws of this state, in the same manner that justices of the peace are required by law to do. Police justice to make quarterly report.

SECTION 13. On the third Tuesday of April, of each year, or within ten days thereafter, the common council shall elect one assessor, one superintendent of streets, one member of the board of education, who shall also be a member of the common council, and a city surveyor, and from time to time fill such vacancies as may occur in any of said officers. Appointed officers.

SECTION 14. The assessor so elected shall assess all the taxable property of the city of Madison as required by law, without regard to wards, and shall complete and return his assessment roll to the common council Duties of assessors.

ing and fraudulent devices and practices, and all playing of cards, dice or other games of chance, for the purpose of gaming, in said city; and to restrain any person from vending, giving or dealing in spirituous or vinous liquors, unless duly licensed by the common council.

Riots, &c.

3d. To prevent any riots, noise, disturbance or disorderly assemblages, suppress and restrain disorderly houses or groceries, and houses of ill-fame, and to authorize the destruction of all instruments used for the purpose of gaming.

Removing or cleansing filthy places.

4th. To compel the owner or occupant of any grocery, cellar, tallow-chandler shop, soap factory, tannery, stable, barn, privy, sewer, or other unwholesome, nauseous house or place, to cleanse, remove or abate the same from time to time, as often as it may be deemed necessary for the health, comfort and convenience of the inhabitants of said city.

Slaughter houses and gunpowder.

5th. To direct the location and management of slaughter-houses and markets, and to prevent the erection, use or occupation of the same, where the offal or filth therefrom shall discharge into the waters of the lakes, and to establish rates for and license venders of gunpowder, and regulate the storage, keeping and conveying of the same, or other combustible material.

Clearing streets, &c.

6th. To prevent the encumbering of the streets, sidewalks, lanes and alleys with carriages, sleighs, boxes, lumber, fire wood, or any materials or substances whatever.

Racing and bathing.

7th. To prevent horse-racing, immoderate riding or driving in the streets, and to regulate the places of bathing and swimming in the waters within the limits of said city.

Animals.

8th. To restrain the running at large of horses, cattle, swine, sheep, poultry and geese, and to authorize the distraining, impounding and sale of the same.

Dogs.

9th. To prevent the running at large of dogs, and to authorize the destruction of the same in a summary manner, when at large contrary to the ordinance.

Putrid animal matter.

10th. To prevent persons from bringing, depositing or having with said city, or placing in the lakes adjacent to the said city, any putrid carcass or other unwholesome substance, and to require the removal of the same by any person who shall have upon his premises any such substance, or putrid or unsound beef, pork,

fish, hides or skins, of any kind, or on default to authorize the removal thereof, by some competent officer, at the expense of such person or persons.

11th. To make and establish public pounds, pumps, wells, cisterns and reservoirs, and to provide for the erection of waterworks for the supply of water to the inhabitants of the city, to regulate and license hacks, cabs, drays, carts, and the charges of hackmen, cabmen, draymen and cartmen in the city; and to erect lamps, and to provide for lighting the streets, public grounds and public buildings with gas or otherwise. Pounds, water works, hacks, lamps, &c.

12th. To establish and regulate boards of health, provide hospital and cemetery grounds, regulate the burial of the dead and the return of the bills of mortality, and to exempt burial grounds set apart for public use from taxation. Public health and burial of dead.

13th. To establish the assize and weight of bread, and to provide for the seizure and forfeiture of bread baked contrary thereto. Bread.

14th. To prevent all persons riding or driving any horse or mule, cattle or any other animal on the sidewalks in said city, or in any way doing damage to said sidewalks. Sidewalks.

15th. To prevent shooting off firearms or crackers, and to prevent the exhibition of fireworks in any situation which may be considered by the council dangerous to the city or any property therein, or annoying to the citizens thereof. Discharging firearms.

16th. To restrain drunkards, immoderate drinking or obscenity in the streets or public places, and to provide for arresting, removing and punishing any person or persons who may be guilty of the same. Drunkenness or obscenity.

17th. To restrain and regulate runners and solicitors for boats, vessels, stages, cars, public houses and other establishments. Runners.

18th. To make rules and ordinances for the government and regulation of the police of the city. Police.

19th. To establish public markets, and make rules and regulations for the government of the same, to appoint suitable officers for overseeing and regulating such markets, and to punish or restrain all persons for interrupting or interfering with the due observance of such rules and regulations; to license and regulate butchers' stalls, shops and stands for the sale of game, poultry, meats, fish and other provisions. Markets, &c.

Hay, fuel, &c.

20th. To regulate the place and manner of weighing and selling hay, and measuring and selling fuel, lime and other gross commodities, and to appoint suitable persons to superintend and conduct the same.

Clearing sidewalks and lots of unhealthy matter.

21st. To compel the owners of buildings or grounds, or the occupants, where the same are occupied, to remove snow, dirt or rubbish from the sidewalks, street or alley opposite thereto, and to compel such owner or occupant to remove from the lot owned or occupied by him, all such substances as the board of health shall direct, and in default, to authorize the removal or destruction of the objectionable substances by some officer of the city, at the expense of such owner or occupant.

Contagious diseases.

22d. To regulate, prevent and control the landing of persons from boats, cars and stages, wherein are contagious and infectious diseases or disorders, and to make such disposition of such persons as to preserve the health of the city.

Auctions.

23d. To regulate the time, place and manner of holding public auctions or vendues.

Watchmen.

24th. To appoint watchmen, and prescribe their duties.

Weights and measures.

25th. To provide by ordinance for a standard of weights and measures, and for the punishment of false weights and measures.

The lakes—fishing.

26th. The common council shall have jurisdiction over the entire lakes bordering on the city, so as to prevent any deterioration of the waters, or any nuisance being cast therein, by which the health of the inhabitants of the city or the purity of the water shall be impaired; and may also prohibit the taking of fish in the waters thereof, or outlet between the same, during the months of May, June and July, of each year.

Shade trees.

27th. The common council shall have power to require the owner of any lot or grounds in the city to set out ornamental trees in the street or streets fronting the same, and in default thereof, to cause the same to be done, and to levy a special tax upon such lot or grounds to pay the expense of the same.

Ordinances, &c.—how passed—to be published and recorded.

SECTION 4. All laws, ordinances, regulations, resolutions and by-laws shall be passed by an affirmative vote of a majority of all the members of the common council, and shall be signed by the mayor, and shall be published in a paper or papers to be selected by the common council, printed in said city, before the same

shall be in force, and within fifteen days thereafter, they shall be recorded by the city clerk, in books to be provided for that purpose; but before any of the said laws, ordinances, regulations or by-laws shall be recorded, the publication thereof, respectively, within the same time, shall be proved by the affidavit of the foreman or publisher of each newspaper, and the said affidavit shall be recorded therewith, and at all times shall be deemed and taken as sufficient evidence of the time and manner of such publication.

Common nuisances.

SECTION 5. The power conferred upon the said council to provide for the abatement or removal of nuisances, shall not bar or hinder suits, prosecutions or proceedings in the courts according to law. Gambling houses, houses of ill-fame, disorderly taverns, and houses or places where spirituous, vinous or fermented liquors are sold without the license required thereof, houses or buildings of any kind wherein more than ten pounds of gunpowder are deposited, stored or kept at any one time, are hereby declared and shall be deemed public or common nuisances.

City accounts.

SECTION 6. The common council shall examine, audit and adjust the accounts of the clerk, treasurer, chief of police, street superintendent, and all other officers and agents of the city, at such time as they deem proper, and also at the end of each year, and before the term for which the officers of said city are elected or appointed, shall have expired. And the common council shall require each and every such officer and agent to exhibit his books, accounts and vouchers for such examination and settlement, and if any such officer or agent shall refuse to comply with the orders of the council in the discharge of their said duties, in pursuance of this section, or shall neglect or refuse to render his accounts or present his books and vouchers to said council, it shall be the duty of the common council to declare the office of such person vacant; and the common council shall order suits and proceedings at law against any officer or agent of said city who may be delinquent or defaulting in his accounts, or in the discharge of his official duties, and shall make a full record of all such settlements and adjustments.

Books and vouchers.

CHAPTER V.

OPENING OF STREETS, ETC.

Laying out public grounds and streets, and manner of obtaining land.

SECTION 1. The common council shall have power to lay out public squares, grounds, streets and alleys, and to widen the same, as follows: Whenever ten or more freeholders, residing in any one ward, shall by petition represent to the common council, that it is necessary to take certain lands within the ward where such petitioners may reside for public use, for the purpose of laying out public squares, grounds, streets or alleys, or the enlarging or widening the same, the courses and distances, metes and bounds of the lands proposed to be taken, together with the names and residences of the owners of such premises, if the same shall be known to the petitioners, to be set forth in such petition, the common council shall thereupon cause notice of such application to be given to the occupant or occupants of such lands, if any there be, or if a portion of such lands shall not be in actual occupation of any person, then the common council shall cause such notice, describing as near as may be the premises proposed to be taken, to be published in the official paper for four weeks, at least once in each week.

What notice shall state.

SECTION 2. Such notice shall state that on a certain day therein to be named, not less than ten days from the service of such notice or the expiration of such publication, as the case may be, application will be made to the judge of the circuit or county court of Dane county, for the appointment of twelve jurors to view said premises, and to determine whether it will be necessary or expedient to take the same for the purpose specified in such petition.

Judge to appoint jury.

SECTION 3. Upon the presentation of such application, and upon proof of the publication or service of the notice hereinbefore required, the said judge shall thereupon appoint twelve reputable freeholders, residents of the city, but not residents of the ward in which such premises may lie, nor interested in such application. The said judge shall thereupon issue his precept directed to said jurors, requiring them within thirty days to view said premises, to be specified in said precept, and to make returns under their hands to the common council, whether in their judgment it is necessary to

take said premises for the purpose specified in such application.

SECTION 4. If any of the jurors so appointed shall be disqualified from acting, or shall refuse to act, the judge shall appoint others in their places, and a memorandum of such substitution shall be indorsed in the precept. Vacancies in jury.

SECTION 5. The said jurors at such times as they may agree upon, shall proceed in a body to view the premises in question, and shall hear such testimony as may be offered by any party interested, which testimony shall be reduced to writing by one of the jurors, and either of the jurors shall be authorized to administer the necessary oaths to witnesses. Jury to review premises.

SECTION 6. After viewing the premises and hearing such testimony as may be offered, the jurors shall make a report of their proceedings, which shall be signed by them respectively, and which shall state whether in their judgment it is necessary to take the premises in question for the public use, which said report, testimony and precept shall be returned to the common council within the time limited therein. Further duties of jurors.

SECTION 7. Should the jurors report that it is necessary to take such premises, the common council shall enter an order among their proceedings confirming said report, and directing the same jurors within one month thereafter, or such further time as may be deemed proper, to again view said premises, for the purpose of ascertaining and determining the amount of damage to be paid to the owner or owners of the property proposed to be taken, and also what lands or premises will be benefited by such taking, and to assess and return within the time limited, such damages and benefits to the common council. Proceedings of council.

SECTION 8. If there should be any building standing, whole or in part, upon the lands to be taken, the jurors, before proceeding to make their assessment, shall first estimate and determine the whole value of such building to the owner. aside from the value of the land, and the injury to him in having such building taken from him; and secondly, the value of such building to him to remove. Where there is building on land, how to proceed.

SECTION 9. At least ten days' personal notice of such determination shall be given to the owner or his agent, if known and a resident of the city, or left at his usual Notice of award.

place of abode. If not known, or a non-resident, notice to all persons interested shall be given by publication in the official paper, three successive weeks. Such notice shall specify the building and the award of the jurors. It shall also require the parties interested to appear by a day to be therein named, or give notice of their election to the common council, either to accept the award of the jurors, and allow such building to be taken, with the land appropriated, or their intention to remove said building, at the rate set thereon by the jurors to remove. If the owner shall agree to remove such building, he shall have such time for this purpose as the common council may allow.

Council to sell building, if not removed.

SECTION 10. If the owner refuse to take the building at the value to remove, or fail to give notice of his election as aforesaid, within the time prescribed, the common council shall have power to direct the sale of such building at public auction, for cash, giving ten days' notice of such sale. The proceeds shall be paid to the owner or deposited to his use.

Jurors to examine premises.

SECTION 11. The said jurors, within the time limited, shall view and examine the premises proposed to be taken, and all such premises as will in their judgment be injured or benefited thereby. After hearing such testimony as may be offered by any party interested, and which shall be reduced to writing by one of said jurors, they shall proceed to make their assessment and to determine and appraise to the owner or owners the value of the real estate so proposed to be taken, and the injury arising to them, respectively, in consequence of the taking thereof, which shall be awarded to such owners, respectively, as damages, after making due allowance therefrom for any benefit which such owners may respectively derive from such improvement. In the estimate of damages to the land, the jurors shall include the value of the building or buildings (if the property of the owner of such land) as estimated by them as aforesaid, less the proceeds of the sale thereof, or if taken by the owner at the value to remove, in such case they shall only include the difference between such value and the whole estimated value of such building or buildings.

Assessment.

Estimate of damages.

Balance between benefits and damages.

SECTION 12. If the damage to any person be greater than the benefits received, or if the benefit be greater than the damages, in either case the jurors shall strike

a balance, and carry the difference forward to another column, so that the assessment will show what amount is to be received or paid by such owner or owners, respectively, and the difference only shall in any case be collected of them or payable to them.

Award by jurors.

SECTION 13. If the lands or buildings belong to different persons, or if the land be subjected to lease, judgment or mortgage, or if there be any estate in it less than an estate in fee, the injury done to such person or interests, respectively, may be awarded to them by the jurors, less the benefits resulting to them, respectively, from the proposed improvement.

Jurors to assess damages.

SECTION 14. Having ascertained the damage and expenses of the proposed improvement as aforesaid, the jurors shall thereupon apportion and assess the same, together with the costs of the proceedings, upon the real estate by them deemed benefited, in proportion to the benefits resulting thereto from the proposed improvement, as nearly as may be, and shall describe the real estate upon which the assessments may be made. The award of the said jurors shall be signed by them and returned, together with the testimoney taken, to the common council, within the time limited in their order of appointment.

Damages to be paid before land is taken.

SECTION 15. The land required to be taken for the purpose mentioned in this act, shall not be appropriated until the damages awarded therefor to the owner thereof, shall be paid or tendered to the owner or his agent, or in case the said owner or agent cannot be found, or is unknown, deposited to his or their credit in some safe place of deposit; and then and not before, such lands may be taken and appropriated for the purpose required, and the same shall thereafter be subject to all laws and ordinances of the city, in the same manner as streets, alleys and public grounds heretofore opened or laid out.

Improvements chargeable to adjacent property.

SECTION 16. Whenever any improvement chargeable to the property adjacent thereto shall have been determined upon, the proportion of the costs properly chargeable to each lot, part of lot or parcel of land subject to contribute to the payment of the same, shall be ascertained, the city clerk shall forthwith issue to each person occupying such premises liable to contribute, a certificate stating the amount assessed and chargeable to the premises occupied by such person, and the amount

so chargeable to any particular lot or parcel of land, shall be from the time it is so ascertained a lien and charge thereon, and upon no other property; and the said amount shall be entered against said lot or lots in the tax warrant for the year in which the assessment is made and collected, in the same manner as other taxes. The damages assessed shall be paid or tendered or deposited as herein required, within twelve months from the confirmation of such assessments and reports, and if not so paid, tendered or deposited, all the proceedings in any such case shall be void.

Disposition of land under lease.

SECTION 17. When the whole or any lot or tract of land or other premises, under lease or under contract, shall be taken by virtue of this act, all the covenants, contracts or engagements between landlord and tenant, or any other contracting parties, touching the same or any part thereof, shall upon the confirmation of such report, respectively cease and be absolutely discharged.

Idem.

SECTION 18. When only part of a lot or tract of land, or other premises, so under lease or other contract, shall be taken for any of the purposes aforesaid, all the covenants, contracts or agreements respecting the same, upon the confirmation of such report, shall be absolutely discharged as to the part thereof so taken, but shall remain valid as to the residue thereof, and the rents, considerations and payments reserved, payable and to be paid for or in respect to the same, shall be so proportioned so that the part thereof justly and equitably payable for such residue thereof, and no more, shall be paid or recoverable for in respect to the same.

Proceedings when owner is a minor.

SECTION 19. When any known owner of lands or tenements affected by any proceedings under this act, shall be an infant or labor under any disability, the judge of the circuit court of Dane county, or in his absence the judge of any court of record in said county, may, upon the application of the common council, or such party or his next friend, appoint a guardian for such party, and all notices required by this act shall be served on such guardian.

Council to fill vacancies in jury

SECTION 20. After the jurors shall have made their report as to the necessity of taking any lands under this act, and the same shall have been confirmed, the common council shall have power to appoint new jurors in the place of any who shall neglect or refuse to

serve, and the jurors before entering upon the discharge of their duties, shall severally take an oath before some competent officer, that they are freeholders of said city, and not interested in the premises proposed to be taken, and that they will faithfully and impartially discharge the trusts reposed in them.

Appeals.

SECTION 21. Any person whose property is taken, or against whom any assessment is made, may within ten days from the return of jurors to the common council, appeal from said assessment of damage or benefits to the circuit court of Dane county, where such appeal shall be tried by the court and jury, as in ordinary cases. The common council shall have the same right of appeal.

Survey and profile of lands taken.

SECTION 22. Whenever any public ground, street or alley shall be laid out, widened or enlarged under the provisions of this chapter, the common council shall cause an accurate survey and profile thereof to be made and filed in the office of the city surveyor.

CHAPTER VI.

IMPROVEMENT OF STREETS.

Village grade re-established.

SECTION 1. The survey and grade of the streets of the village of Madison, made by Samuel T. Wright, by or under the direction or authority of the president and trustees of said village, shall be and the same is hereby declared to be the established grade of the streets of the city of Madison, so far as the same has been made, and the grade of all other streets hereafter surveyed or established, shall conform thereto, subject only to be altered, changed or varied as hereinafter provided.

Altering and establishing grades.

SECTION 2. Upon application in writing of the resident owners of three-fourths of the lots upon any street, or upon that part of any street in which the grade is proposed to be changed, the common council shall have power to cause a new survey to be made, and to alter such grade or establish a new one in such street or part of street set out in such application, as the public good may seem to require.

Damages for change of grade.

SECTION 3. Any person not being a signer of such application, who shall claim to have sustained damages by such change of grade, shall have his right of action against the city for the recovery of the same: *provided*, that no suit shall be brought against the city for the recovery of such damages, until application has been

made to the common council, and said council shall have refused or neglected for three months to settle the same: The signing of such application shall be taken and construed as a release of all claims for damages of every such signer.

Duties of street commissioner.

SECTION 4. It shall be the duty of the superintendent of streets to see that all ordinances of the city relating to the obstruction and cleansing of sidewalks, streets, alleys, public grounds, reservoirs, gutters, sewers, waters of the lakes, and water courses in said city, are duly observed and kept, and direct and control the persons employed therein. The superintendent of streets shall have a general supervision over all work let by contract, for the improvement of streets or sidewalks in said city, unless the common council shall otherwise provide.

Sidewalks—manner of construction.

SECTION 5. Sidewalks shall be constructed upon the proper established grade of any street in said city, of such width, in such manner, of such materials and in such time as the common council, by ordinance, resolution or order shall direct, by the owner or owners of any lot or piece of ground in front of which such sidewalk shall be ordered. If the owner or owners of any such lot or piece of ground shall not construct such sidewalk as aforesaid, the common council may cause the same to be constructed at the expense of such owner or owners.

Contracts for building sidewalks.

The contract for the construction of any such sidewalk shall be let to the lowest reasonable responsible bidder, and notice shall be given by publication in the official paper of the city for at least ten days, of the time, place and manner of securing such bids. The common council shall levy a special tax upon each lot or piece or ground in front of which any sidewalk shall be constructed by contract, sufficient to pay the cost of constructing the same: *provided*, that no such contract shall be let until thirty days after notice shall have been given to such owner or owners, of the ordinance, resolution or order requiring the construction of such sidewalk, by the publication of the same at least ten days in the official paper of the city.

Notice to owners

Grade of streets.

SECTION 6. The common council of the city of Madison shall have power, by order or resolution, to determine and establish the grade of the streets of the city, but shall not change the grade of any streets which have heretofore been established, and which can be ascer-

tained and determined from the records of the city or the late village, nor any grade which may hereafter be established, except as provided by this chapter.

Petitions necessary for new sidewalks.

SECTION 7. No sidewalk shall be ordered to be constructed where none has been constructed, except upon the petition of three-fourths of the owners of lots who reside upon the same, along which the sidewalk is proposed to pass; but where sidewalks have been once built, the common council shall have power, by a two-thirds vote of all the members of the council, without petition, to order such walks to be repaired in such manner as they may deem proper, or may order new walks to be constructed of like or different material. The city clerk shall receive all proposals for constructing or repairing sidewalks, and shall open them in presence of the council, which shall award the contract to the lowest reasonable responsible bidder, subject to such provisions in case of violation of contract, and to such other particular provisions as the council may prescribe. The proceedings for ordering the repair of sidewalks and levying and collecting special taxes on the respective lots to pay for the same, shall be the same as now provided by law, in case of constructing a new sidewalk. No contractor for building or repairing sidewalks shall receive any pay therefor from the city under any circumstances, until the tax levied for the purpose shall have been actually paid to the city or county.

Petitions not necessary for repairs, &c. of old ones.

Proposals for constructing sidewalks, &c.

Repair of sidewalks, &c.

When contractor to be paid.

Poll tax.

SECTION 8. It shall be the duty of each male inhabitant of the city, over twenty-one years of age and under fifty, except active members of the fire department, to perform one full day's labor, annually, on the streets of the city, such work to be performed under the direction of the superintendent of street, and at such time and place as he shall direct; but such person may, at his option, in lieu of such labor, pay to said superintendent one dollar, to be by him expended in work upon the streets. In case any such person shall fail to perform such labor at the time and place directed by the street superintendent, and shall not on demand pay the said money in lieu thereof, he shall be liable to and shall pay a penalty of two dollars, to be prosecuted for by the superintendent of streets, in the name of the city of Madison, in the police court of said city. The process in such case shall be a warrant, and in case judgment is rendered for the plaintiff, the defendant, in default of

payment thereof and costs, shall be imprisoned in the county jail for ten days at hard labor. The penalty, when recovered, shall be paid to the street superintendent, to be expended in work upon the streets.

Street superintendent to give bond, &c.

SECTION 9. The superintendent of streets shall, before entering upon the duties of his office, execute to the city a bond in the penal sum of one thousand dollars, with two sufficient sureties, to be approved by the council, conditioned for the faithful performance of the duties of his office, and of such as may be required of him by the council, and for the proper expenditure of the money which may be collected or come into his hands by virtue of the foregoing section. He shall have a general supervision of all streets, and shall let all contracts for work upon the same ordered by the council. He shall personally see that every man required to perform labor upon the streets, as provided by the preceding section, performs such labor or pays the amount required in lieu thereof, before the first day of September, in each year, and shall summarily prosecute for every violation of said section. He shall expend the labor and money so realized in each ward, at such places in each ward as shall be designated by the senior alderman thereof. He shall on the first day of September, in each year, report to the council, in writing, under oath, a true and correct statement of all money received by him by virtue of this act, and from whom received, and how and where expended; also, the names of all persons who have performed one full day's labor as hereby required, the names of those who have not in any respect complied with this act, and the names of all persons who have been prosecuted for violation hereof, and the amount of penalties collected from them by virtue hereof; and the said superintendent of streets shall be held strictly responsible for the full and complete execution of this act, according to the terms thereof, and the council may at any time remove him from office for neglect of duty, and appoint a competent man in his place. The street superintendent shall receive for his services not more than two dollars per day for each day actually and necessarily occupied by him in the discharge of his duties. The chief of police shall be street superintendent in any year when the common council shall so determine, and shall receive for his services, when actually occupied in collecting and expending the poll tax, such sum per

Duties of superintendent.

Compensation.

Chief of police may act as superintendent.

day as the council shall determine, not more than one dollar per day, or a per centage on the amount collected, not more than ten per cent.

CHAPTER VII.

FINANCES AND TAXATION.

Council to manage finances.

SECTION 1. All funds in the city treasury, except school, state and county funds, shall be under the control of the common council, and shall be drawn out upon the certificate of the mayor, countersigned by the clerk, duly authorized by a vote of the common council, and in no other manner; and all certificates drawn upon the treasurer shall specify the purpose for which they were drawn, and shall be payable generally out of any funds in the treasury belonging to the city.

Majority of council necessary to contract debts.

SECTION 2. No debt shall be contracted against the city, or certificate of indebtedness drawn upon the city treasury, unless the same shall be authorized by a majority of all the members of the common council, and the vote authorizing the same shall be entered by ayes and noes upon the journal of the council; and no money shall be appropriated for any purpose whatever except such as is expressly authorized by this act.

Fines and forfeitures.

SECTION 3. All forfeitures and penalties accruing to the city for a violation of this act, or of any of the ordinances, by-laws, rules and regulations of the city, and all moneys received for licenses, shall be paid into the city treasury, and become part of the general fund, except as otherwise provided by this act. No penalty or judgment recovered in favor of the city shall be remitted or discharged, except by a vote of two-thirds of all the aldermen elect.

Taxable property

SECTION 4. All property, real or personal, within the city, except such as may be exempt by the laws of the state, shall be subject to annual taxation for the support of the city government and the payment of its debts and liabilities, and the same shall be assessed in the manner hereinafter provided. The assessor elected under this act shall have and possess the same powers that are or may hereafter be conferred upon township assessors, except so far as they may be altered by this act: *provided, however*, that the common council may prescribe the form of assessment rolls, and more fully define the duties of assessor, and make such rules and regulations in relation to revising, altering or per-

Powers of assessors.

of record in this state, that every act or thing required by law to be done relating to assessing or levying taxes, from the election of the officers to the completion of the tax list inclusive, has been done regularly, correctly and as required by law.

Warrant for collection of taxes.

SECTION 12. Immediately after making out the tax list aforesaid, the clerk shall make out a duplicate copy thereof, to which shall be appended a warrant signed by the mayor and clerk, and sealed with the corporate seal of said city, directed to the treasurer, requiring and commanding him to collect the taxes and assessments specified in said duplicate copy of the tax list, in the manner provided by law; and said clerk shall, on or before the 25th day of November of the said year, or as soon thereafter as practicable, deliver the same to the city treasurer for collection, and make a record of said delivery of the tax list preserved in this office.

Treasurer to collect taxes—his fees.

SECTION 13. The city treasurer, upon the receipt of such duplicate copy of the tax list, shall proceed to collect the same in like manner, and shall have like powers and be subject to like requirements, liabilities and restrictions, as town treasurers, except as otherwise provided in this act. The city treasurer shall collect one per cent. fees upon all taxes paid to him before the first day of January, and three per cent. fees upon all taxes collected by him after that time, to be added to the amount of tax and collected with the same. Said fees when collected shall be paid into the city treasury, and a separate account kept thereof.

Treasurer's return.

SECTION 14. On or before the fifteenth day of February, of each year, unless the time be extended as provided by law, the city treasurer shall make out and return to the treasurer of Dane county a list of all land, lots and personal property upon which taxes have not been paid, and shall also settle with and pay all moneys properly payable to said county treasurer, in like manner as now is or may hereafter be required of town treasurers; and all the provisions of sections eighty-one to eighty-seven, inclusive, of chapter eighteen of the revised statutes, as modified by acts amendatory thereof, shall extend to and may be enforced, to collect any delinquent personal property tax of whatever year now due to said city.

Sale of delinquent lands.

SECTION 15. The county treasurer shall sell all delinquent lands and lots returned from the city of Mad-

ison, at the same time and in the same manner as other delinquent lands are sold in said county.

SECTION 16. All real estate exempt from taxation by the laws of this state, shall be subject to all special taxes for the building of sidewalks and improvements of streets in front of the same. Exempt lands subject to certain taxes.

SECTION 17. All lands lying within the city limits, used or kept for farming purposes, and not divided and laid out into lots, or lots and blocks, and all outlots not subdivided and numbered by such subdivisions, shall be assessed at a moderate cash value by the acre, and shall not be subject to any special tax. How farming lands and outlots to be taxed.

SECTION 18. All the directions hereby given for the assessing of land and the levying, collection and return of taxes and assessments, shall be deemed only directory, and no error or informality in the proceedings of any of the officers intrusted with the same, not affecting the substantial justice of the tax itself, shall vitiate or in any wise affect the validity of the tax or assessment: *provided*, this section shall not be so construed as to dispense with the requisite two-thirds vote of all the members of the council in levying a tax. Of errors, &c. Proviso.

SECTION 19. The city treasurer shall not receive from the treasurer of the county of Dane, tax certificates in payment of any indebtedness which may become due from said county to said city. The city shall contract no debt, and the common council shall make no appropriation during any fiscal year for city purposes, greater than the amount determined upon, as provided in the foregoing section seven of this chapter, for such purpose, together with the amount of money which may at any time be in the city treasury derived from other sources than taxation; and any member of the said common council who shall knowingly vote to make any appropriation out of the city treasury, contrary to the provisions of this section, shall, on conviction thereof, be fined in a sum not less than fifty dollars nor more than five hundred dollars, and be imprisoned in the county jail of Dane county, not less than ten days nor more than three months: *provided*, that whenever the unappropriated money in the city treasury, with the amount due to the city from delinquent taxes not canceled, shall exceed, on the first day of September, of any year, the whole amount of taxes levied by the common council for general city purposes during the Tax certificates. Debt not to exceed amount determined upon. Penalty. Proviso.

preceding fiscal year, then the common council shall have power to appropriate the portion of such excess which is in money, to the payment of any city indebtedness.

Payment of appropriations.

SECTION 20. No scrip, certificate, treasury order, nor other evidence of debt, shall hereafter be issued or authorized by the common council of the city of Madison, nor by any officer of said city; but whenever the common council shall lawfully appropriate money to any party, to be paid out of the city treasury, the mayor and city clerk shall certify the fact directly to the city treasurer, in the order in which such appropriations are made, specifying in said certificate also the purpose for which such appropriation was made; and said treasurer shall pay the amount so appropriated and certified in the order in which they are so certified, out of any funds in his hands belonging to the city, taking proper receipts therefor, and filing them in his office, and the city funds shall be paid out of the treasury in no other manner whatsoever.

Payment of judgments.

SECTION 21. The common council shall have power, by a two-thirds vote of all the members thereof, to levy a tax or taxes to pay any and all judgments against the city.

Treasurer may be removed.

SECTION 22. In case the city treasury shall at any time refuse or neglect to perform his duties in enforcing the payment of taxes, as provided by this act and as authorized and required by the laws of this state, the common council shall forthwith remove such treasurer from office, and appoint a suitable person to fill the vacancy.

Salary of treasurer.

SECTION 23. The salary of the city treasurer shall hereafter be eight hundred dollars per year, which shall be his full compensation for his services as such treasurer. All fees collected by him as provided by law, shall be paid into the city treasury, and the amount thereof reported by the treasurer to the city clerk on the first day of each month, and a separate account kept thereof.

Demands against city.

SECTION 24. All accounts or demands against the city, before the same shall be acted upon or paid, shall be verified by affidavit, except salaries and amounts previously fixed or determined by law; and any person who shall falsely swear to any such account or demand, shall be deemed guilty of perjury. No interest shall hereafter be allowed or paid on any city order or cer-

tificate whatever. No money shall be appropriated and drawn out of the city treasury except in payment of accounts or demands previously presented to and passed upon and allowed by the common council.

CHAPTER VIII.

FIRE DEPARTMENT.

SECTION 1. The common council, for the purpose of guarding against the calamity of fire, shall have the power to prescribe the limits within which wooden buildings, or buildings of other materials that shall not be considered fire proof, shall not be erected or repaired, and to direct that all and any buildings within the limits prescribed, shall be made and constituted of fire proof materials, and to prohibit the repairing of wooden buildings within the fire limits, when the same shall have been damaged to the extent of fifty per cent. of the value thereof, and to prescribe the manner of ascertaining such damage. Fire limits, wooden buildings, &c.

SECTION 2. The common council shall have power to regulate the building, construction and condition of chimneys, fire-places, hearths, stoves, stove-pipes, ovens, boilers and apparatus used in or about any building, and to cause the same to be removed or placed in a safe and secure condition when considered dangerous; to prevent the deposit of ashes in unsafe places; to require the inhabitants to provide as many fire-buckets, and in such manner and time as they shall prescribe, and to regulate the use of them in time of fire; and to regulate and prevent the carrying on of any manufactories dangerous in causing and promoting fires; to compel the owners and occupants of buildings to have scuttles in the roofs and stairs and ladders leading to the same; to authorize the mayor, aldermen, fire-wardens and other officers of the city to keep away from the vicinity of a fire all idle and suspected persons, and to compel bystanders to aid in the extinguishment of fires and in the preservation of property exposed to danger thereat, and, generally, to establish such regulations for the preservation [prevention] and extinguishment of fires as the common council may deem expedient. Further powers of council for safety against fires.

SECTION 3. The common council shall have power to purchase fire-engines and other fire apparatus, and to Fire companies and apparatus.

authorize the formation of fire-engine, hook and ladder and hose companies, and to provide for the due and proper support and regulation of the same, and to order such companies to be disbanded and their meetings to be prohibited and their apparatus to be delivered up. Each company shall not exceed seventy able bodied men, between the ages of fifteen and fifty years, and may elect its own officers and form its own by-laws, not inconsistent with the laws of this state or the ordinances and regulations of said city, and shall be formed only by voluntary enlistment. Every member of each company hereby authorized to be formed, shall be exempt from highway work, poll tax, from serving on juries, and from military duty, during the continuance of such membership.

Privileges of firemen.

Annual meetings and officers.

SECTION 4. There shall be a meeting of the members of said companies on the third Monday of March, in each year, at such place as may be designated by the mayor, when they may nominate and recommend to the common council for appointment, one chief engineer and their assistant engineers, and the common council shall thereupon confirm such nominations, and the persons so appointed shall perform such duties as the common council shall prescribe.

Fire wardens.

SECTION 5. At the same time the members of said company shall nominate, and the common council shall appoint the same, four first fire-wardens, one of whom shall reside in each ward, and who shall perform such duties as the common council shall prescribe, and they may at any time enter into or open any house, store-house or other building or inclosure for the purpose of inspecting the same, and with a view to guard against fire.

Firemen's fund.

SECTION 6. One-half of the net proceeds of al fines or penalties recovered for the breach of any or dinance, by-law or regulation made in pursuance o this chapter, shall be paid to the fire department.

Persons to be arrested for failing to obey officers at fires.

SECTION 7. When any person shall refuse to obe any lawful order of any engineer, fire-warde mayor or alderman at any fire, it shall be lawful for t officer giving such order to arrest, or direct orally t chief of police, constable, watchman or any citizen arrest such person, and to confine him temporarily any safe place, until such fire shall be extinguishe and in the same manner, such officers or any of the may arrest or direct the arrest and confinement of eve

son at such fire who shall be intoxicated or disorderly; and any person who shall refuse to obey any such lawful order, or who shall refuse to arrest or aid in arresting any person so refusing, shall be liable to such penalty as the common council may prescribe, not exceeding fifteen dollars.

Sack company—its powers, duties, privileges, &c.

SECTION 8. The common council shall have power to organize a sack company, which shall be known as sack company No. 1, to consist of not more than twenty members. Such company shall constitute a part of the fire department, and at fires shall be subject to the control of the chief engineer. The members of said company, either collectively or individually, are hereby authorized and empowered to act as a special police in and for the city of Madison, and are hereby vested with all the power and authority which now is or may be hereafter vested in any police officer of said city, and shall be entitled to all the rights and immunities of members of the fire department. At fires they shall take charge of all property which may be exposed or endangered, and shall so far as may be in their power, preserve the same from injury or destruction. Said company may from time to time adopt such by-laws and regulations as they may deem necessary, not inconsistent with this act and the laws of this state. The members of said company shall not be entitled to any pay or compensation for service rendered in their official capacity. They shall in case of riot or disturbance of the peace, have free access to all licensed places of amusement in the city, and shall perform such services as may be necessary for the peace and good order of the same. The members of said company shall severally take an oath or affirmation that they will faithfully discharge the duties of their said office, and when any member of said company shall cease to be a member thereof, by resignation, expulsion or otherwise, notice thereof shall be given to the city clerk, who shall preserve a record of all the members of said company.

CHAPTER IX.

POLICE JUSTICE—HIS POWERS AND DUTIES.

Powers, &c. of police justice.

SECTION 1. The jurisdiction of the police justice of the city of Madison shall be coextensive with the county of Dane, and shall have exclusive jurisdiction to try all criminal cases and conduct all examinations within said

city, under the laws in which justices of the peace have jurisdiction, and according to this act.

Jurisdiction in case of larceny.

SECTION 2. The said police justice shall have jurisdiction concurrently with the circuit court in all cases of larceny, where the amount alleged to have been stolen shall not exceed the sum of eighty dollars: *provided*, that nothing herein contained shall be so construed as to give said justice jurisdiction of offenses punishable by imprisonment in the state prison.

Punishment in case of larceny.

SECTION 3. The punishment for such larceny shall be by a fine, not exceeding one hundred dollars, or by imprisonment in the county jail, not exceeding one year, or by both fine and imprisonment, in the discretion of the court. The said police justice shall have jurisdiction concurrently with the circuit court within said county of all offenses mentioned in sections 56 and 57, chapter 165, of the revised statutes of the state of Wisconsin, where the value of the timber or wood cut, or the mineral or earth dug or carried away, shall not be alleged to exceed the value of one hundred dollars, and in such cases the punishment shall be by fine, not exceeding one hundred dollars, or by imprisonment in the county jail, not exceeding six months.

Jurisdiction in case in of injury to trees, &c.

Cases in which title to land may come in question

SECTION 4. In all cases arising under the last two mentioned sections, if the defendant shall dispute the title of the land upon which the alleged offense was committed, he shall join with his plea of "not guilty," a statement to the [that] effect, and the court shall require him to enter into a recognizance with two sufficient sureties, who shall justify in double the amount of penalty in the recognizance, for his appearance before the next term of the circuit court, and the said justice shall then transmit the papers and all proceedings in the case to the clerk of the circuit court in said county, and the cause shall be tried in said circuit court upon the original papers filed with said justice.

Assaults and batteries.

SECTION 5. The said police justice shall have jurisdiction to hear, try and determine assaults, batteries and affrays, which said trials in such cases shall be conducted according to the provisions of chapter one hundred and twenty-one of the revised statutes of Wisconsin.

General powers, &c.

SECTION 6. The said police justice shall have and possess all the rights, powers and privileges of justices of the peace, and all the laws of this state concerning

person at such fire who shall be intoxicated or disorderly; and any person who shall refuse to obey any such lawful order, or who shall refuse to arrest or aid in arresting any person so refusing, shall be liable to such penalty as the common council may prescribe, not exceeding fifteen dollars.

Sack company—its powers, duties, privileges, &c.

SECTION 8. The common council shall have power to organize a sack company, which shall be known as sack company No. 1, to consist of not more than twenty members. Such company shall constitute a part of the fire department, and at fires shall be subject to the control of the chief engineer. The members of said company, either collectively or individually, are hereby authorized and empowered to act as a special police in and for the city of Madison, and are hereby vested with all the power and authority which now is or may be hereafter vested in any police officer of said city, and shall be entitled to all the rights and immunities of members of the fire department. At fires they shall take charge of all property which may be exposed or endangered, and shall so far as may be in their power, preserve the same from injury or destruction. Said company may from time to time adopt such by-laws and regulations as they may deem necessary, not inconsistent with this act and the laws of this state. The members of said company shall not be entitled to any pay or compensation for service rendered in their official capacity. They shall in case of riot or disturbance of the peace, have free access to all licensed places of amusement in the city, and shall perform such services as may be necessary for the peace and good order of the same. The members of said company shall severally take an oath or affirmation that they will faithfully discharge the duties of their said office, and when any member of said company shall cease to be a member thereof, by resignation, expulsion or otherwise, notice thereof shall be given to the city clerk, who shall preserve a record of all the members of said company.

CHAPTER IX.

POLICE JUSTICE—HIS POWERS AND DUTIES.

Powers, &c. of police justice.

SECTION 1. The jurisdiction of the police justice of the city of Madison shall be coextensive with the county of Dane, and shall have exclusive jurisdiction to try all criminal cases and conduct all examinations within said

common council of said city may have agreed to pay, or shall hereafter agree to pay, for the class or kind of bonds so surrendred, in new bonds of the description authorized by the first section of this act, in full for the indebtedness so surrendered. In effecting the compromise hereby authorized, interest on said old bonds and judgments may be allowed to the first day of April succeeding such compromise and settlement, but not thereafter; and any of said new bonds delivered between September 1st and April 1st, of any year, shall have the coupons which have matured and then next maturing, cut off and destroyed before delivery. No bonds shall be issued under this act for any less sum than one hundred dollars, but to facilitate exchanges, the common council may issue time certificates for small or fractional amounts, not exceeding one hundred dollars, bearing seven per cent. per annum interest from such date, and payable at such time, not more than five years from their date, as the common council shall determine, and convertible into bonds when presented in proper amounts by one individual; or the common council may pay such small or fractional sums in money, whenever there are funds in the city treasury appliable to that purpose.

Time certificates.

Agent to negotiate indebtedness.

SECTION 3. The common council of said city are hereby authorized, if in their judgment it shall be necessary, to employ an agent or agents to negotiate a settlement and compromise of the old indebtedness hereinbefore mentioned, and to pay such agent or agents such sum for services and expenses incurred in and about said business, as shall in their judgment be just and reasonable; and such agent or agents shall have such powers as the council, subject to the approval of the mayor, shall determine.

Cancelation of old bonds, &c.

SECTION 4. Upon the compromise and surrender of any of said old bonds or coupons, or the satisfaction of any of such judgments, the city clerk shall cause a description thereof to be entered in a record to be kept by him for that purpose; and such bonds and coupons shall then be canceled in presence of the council and deposited in the city clerk's office.

Annual tax for payment of interest.

SECTION 5. At the time fixed by law for levying the annual city tax, the common council shall levy a special tax, annually, for the amount of interest which will become due on the first day of April next thereafter,

upon such bonds and certificates issued under this act as shall have been actually delivered, and which remain unpaid; which tax shall be payable in money or in coupons, as hereinafter stated, and shall be levied and collected as other city taxes are levied and collected, and shall be kept separate from all other funds. The amount collected from such tax shall be applied by the city treasurer to the payment of the annual interest on said bonds and certificates, at the place where they are payable; and the treasurer of said city shall receive in payment of all city taxes, the coupons attached to such bonds becoming due on the first day of April next after the levy of such tax, whenever presented by any person for that purpose; and such coupons shall be sufficient vouchers in the hands of the treasurer of said city for the payment of all city taxes to the amount of such coupons so received by him. And said new bonds and coupons being proposed to be issued in compromise and settlement of bonds and coupons of said city already outstanding, with the agreement and understanding on the part of said city with the holders of said old bonds and coupons, that said new coupons shall be receivable for city taxes; now, therefore, it is declared and enacted, that the provisions herein contained that said new coupons shall be receivable for city taxes, shall be taken and construed as a part of the contract of settlement between said city and its creditors. And it is hereby made the duty of the treasurer of said city to deliver to the common council, at its first regular meeting in the month of March, in each year, all coupons so received by him for taxes, and he thereupon shall be credited with the amount of coupons so as aforesaid received by him for taxes, and said coupons shall be canceled in the presence of the common council, and deposited in the city clerk's office; and the common council shall at said meeting appropriate sufficient money from said fund to pay all coupons falling due on the first day of April next thereafter, and cause the same to be placed where said bonds and coupons are made payable, before the first day of April, in each year; and if, at said meeting, it shall be ascertained that sufficient money has not been collected from said special tax to pay all the coupons maturing on the first day of April next thereafter, the common council shall

Coupons receivable for taxes.

Construction.

Duty of treasurer and council.

appropriate sufficient to pay such deficiency from the general fund belonging to said city; and all money collected after such appropriation upon said special tax, shall be placed in the general fund belonging to said city. The common council may also, if it shall, in their judgment, be necessary or expedient, levy a further tax to pay the time certificates issued by virtue of this act.

Further tax may be levied.

Contingent expenses.

SECTION 6. The common council shall have power, and are hereby authorized, to appropriate from any money in the city treasury not raised for educational purposes, such sums as may be necessary to defray the contingent expenses and payments provided for by this act.

Portion of bonds may be sold at 25 per cent. discount

SECTION 7. In case the common council of said city shall deem it to be for the interest of said city to settle or compromise a portion of its said debt for cash, to enable it to do so, they may sell and dispose of for cash, of the issue of bonds authorized by this act, not exceeding fifty thousand dollars, at a sum not less than seventy-five per cent. of their par value.

CHAPTER XI.

MISCELLANEOUS PROVISIONS.

Village property, &c. vested in city.

SECTION 1. The city of Madison shall be and is hereby invested, as the lawful owner and successor of all real and personal property, and all the rights and privileges belonging to the corporation of the village of Madison, together with all the funds, revenues, debts and demands due and owing to the said village of Madison, as a corporate body, which by or under any former acts, ordinances, grants, donations, gifts or purchases have been acquired, vested or in any manner belonging to said corporation, and the same are hereby transferred to the corporate body created by this act, and all suits, judgments, rights, claims and demands against said village of Madison, may be continued, prosecuted, defended and completed in the same manner as if this act had not been passed.

Common schools.

SECTION 2. The common schools of the city of Madison shall be under the supervision and control of the board of education, as provided by chapter 295 of

the private and local [general] laws of 1861, and the acts amendatory thereof.

Work for city to be done by contract.

SECTION 3. All work for the city or either ward thereof, shall be let by contract to the lowest reasonable repsonsible bidder, and due notice shall be given of the time and place of letting such contract: *provided*, that the council by a vote of two-thirds of all the members thereof, may otherwise provide for work.

Actions in favor city—how brought.

SECTION 4. All actions brought to recover any penalty or forfeiture under this act, or the ordinances, by-laws, police or health regulations made in pursuance thereof, shall be brought in the corporate name of the city. It shall be lawful to declare generally for such penalty or forfeiture, stating the clause of this act or by-laws or ordinance under which the penalty or forfeiture is claimed, and to give the special matter in evidence under it. All prosecutions may be commenced by summons or by warrant, as the exigency of the case may require. In all cases where an action might be brought by the city of Madison against any person, company or corporation, such action may be commenced and prosecuted in the name of the city by any elector of said city: *provided*, that before any person other than the proper officers of said city shall prosecute any such action, the person or persons so commencing shall enter into bonds, with sufficient surety to the opposite party, to be approved by the judge or justice before whom such action shall be brought, conditioned that he or they will pay all costs that might be recovered against the city in such action. After the filing of such bond with the papers in the case, such action shall not be discontinued or defeated by the city, nor shall the city be liable for any costs on account of any such action, but such costs where the action shall fail, may be recovered against the party commencing the same, upon the bond filed as aforesaid: *provided*, that nothing herein contained shall be so construed as to prevent any peace officer from arresting, without process, any person in a state of intoxication, or guilty of immoderate drinking, improper reveling, obscenity, or noisy, boisterous or disorderly conduct in the streets or public places, and taking such person or persons forthwith before the police justice, or keeping them in confinement until such time as said justice can reasonably hear and dispose of such offender.

Executions to issue.

SECTION 5. Execution shall issue forthwith on the rendition of judgment, unless the same be stayed or appealed according to the laws of this state. The execution, except in cases *ex contractu*, shall require the defendant in any such action, in case no goods or chattels, lands or tenements, wherefrom the judgment can be satisfied, can be found, to be imprisoned in the jail of Dane county, for a term not exceeding three months, in the discretion of the justice or judge rendering judgment, unless the same be sooner paid, or discharged by the common council.

Not incompetent.

SECTION 6. No person shall be an incompetent judge, justice, witness or juror, by reason of his being an inhabitant of said city, in any proceeding or action in which the city shall be a party in interest.

In case of failure to hold election.

SECTION 7. If any election by the people or common council shall not for any cause be held at the time or in the manner herein prescribed, it shall not be considered reason for arresting, suspending or absolving said corporation, but such election may be had on any subsequent day, by order of the mayor; and if any of the duties enjoined by this act, or the ordinances or by-laws of this city, to be done by any officer at any time specified, and the same are not done and performed, the common council may appoint another time at which said acts may be done or performed.

Actions against the city.

SECTION 8. Whenever any suit or action shall be commenced against said city, the service thereof may be made by leaving a copy of the process with the mayor, and it shall be the duty of the mayor forthwith to inform the common council thereof, or take such other proceedings as the ordinances or resolutions of said council may provide.

May hold property.

SECTION 9. Said city may lease, purchase or hold real or personal property sufficient for the convenience of the inhabitants thereof, and may sell and convey the same, and the same shall be free from taxation.

Repealing.

SECTION 10. No general law contravening the provisions of this act, shall be considered as repealing, amending or modifying the same, unless such purpose is expressly set forth in such law.

Town and city of Madison—when dissolved.

SECTION 11. From and after the second Monday of March, A. D. 1865, the connection between the town of Madison and that part of said town included within the

city limits, for all town purposes, shall be dissolved. The duties now and hereafter imposed upon supervisors and other town officers, so far as they relate to the city of Madison, shall be performed by the aldermen of all the wards, and the other officers of said city. All that part of the town of Madison lying east and northeast of said city, shall be attached to said city school district for school purposes, but shall at any time be set off into a separate school district by the board of education of said city, upon application of a majority of the legal voters resident therein.

Penalties.

SECTION 12. Every member of the common council of the city of Madison, who shall directly or indirectly vote to himself, or knowingly to any other person, any sum of money for any purpose whatever, in violation of the city charter, or any amendment thereto, or shall ask or receive any compensation for doing any official act, except as an inspector of elections, member of the board of registry, and as member of the city board of equalization, who shall be directly or indirectly interested in any contract made with or on behalf of the city, and any member of said council, city treasurer or person acting as treasurer, who shall directly or indirectly purchase or be interested in the purchase of any city order or city indebtedness for less than the full amount thereof, shall be deemed guilty of a misdemeanor in office, and may be prosecuted either by indictment or by complaint before the police justice or any justice of the peace having jurisdiction, and upon conviction thereof shall be punished by fine, not exceeding one hundred dollars nor less than twenty dollars, or by imprisonment in the county jail, not more than thirty days nor less than ten days, or both, at the discretion of the court.

Paupers.

SECTION 13. The paupers of said city shall be removed to the poor house of the county of Dane by the mayor or aldermen, in like manner as they are removed from the several towns in said county.

Licenses.

SECTION 14. Every license issued by the authority of this act or the ordinances of the city, shall be signed by the mayor and city clerk, and sealed with the corporate seal; but no such license shall be issued by said mayor and clerk until the person applying for the same shall have deposited with said clerk

the receipt of the city treasurer for the amount required to be paid therefor. Nor shall any license be issued for dealing in, selling or vending spirituous, vinous or malt liquors, until the applicant shall have filed his receipt, as aforesaid, together with a bond, as required by the laws of this state, which bond shall be approved by the mayor, and a sum of not less than the minimum sum nor greater than the maximum sum fixed by the laws of this state to be paid for any such license, shall be paid to the city treasurer in money; and the city treasurer shall quarterly pay fifteen dollars on each license so issued for the sale of liquors, to the treasurer of the county of Dane. Every such license shall contain a clause prohibiting the selling, vending or giving away any spirituous, vinous or malt liquors on Sunday and on general or special election days. It shall be the duty of the mayor and city clerk to report to the council at each regular meeting thereof, the licenses theretofore issued by them and not before reported, and the council shall by vote approve or disapprove of the same. If the council disapprove thereof, it shall be the duty of the city clerk forthwith to notify the person holding such license that the same has been revoked by action of the common council, and such license shall thereafter be void, and the council shall refund the license money paid therefor, except a fair proportion thereof for the time said license was in force.

Bond.

Report of licenses.

Licenses may be revoked.

Liquor not to be sold on election days nor Sundays.

SECTION 15. Every person having such license who shall vend, sell or give away any spirituous, vinous or malt liquors on Sunday or on any election day, shall be liable to prosecution under this act or the ordinance of the city, or may be indicted in the circuit court of Dane county, and upon conviction thereof, any such offender shall forfeit and pay a sum not exceeding two hundred dollars nor less than fifty dollars, or be imprisoned in the jail of Dane county, not more than thirty days nor less than ten days, at the discretion of the court, and the license held by such person shall be forfeited and void.

Duties of treasurer.

SECTION 16. The treasurer of the city of Madison shall perform all the duties and do all the acts required by law to be done by the treasurer of the village of Madison, in relation to the redemption and deeding of lands heretofore sold for the non-payment of taxes in

said village, and every certificate of redemption or tax deed made out and executed by the said city treasurer, shall have the same force and legal effect as if this act had not been passed, and such certificate or deed been made out and executed by said village treasurer. And the treasurer of the city of Madison is hereby authorized, in making any deed for lots or land heretofore sold by the treasurer of the village of Madison for the payment of taxes in said village, to make the same in the name of the city of Madison, and every deed so made and executed by the city treasurer, shall be received in all courts of this state as *prima facie* evidence that all the proceedings relating to or affecting the tax for which such lot or lands were sold, from the assessment to the making of such deed, inclusive, were regular, correct and performed according to law; and no other act shall be required of such city treasurer in relation to lots so sold, except the making and acknowledging such deed as aforesaid, except issuing certificates of redemption for such lots as may be redeemed.

No suit against city to recover title shall be commenced until a stated amount is deposited.

SECTION 17. No suit or proceeding shall be commenced or prosecuted to recover title or possession of any lot, piece or parcel of lands situated within the limits of the city of Madison, held or claimed by virtue of any deed purporting upon its face to be executed on account of any sale for taxes or assessment, levied after the passage of this act, until the person commencing such proceeding shall have deposited with the court in which such proceeding is or shall be commenced, for the use of the holder or claimant under such deed, an amount of money equal to the amount of taxes, costs and charges paid in procuring such deed, and all subsequent taxes, costs and charges upon the lot or lands described in such deed, and paid by such holder or claimant, together with twenty-five per cent. interest thereon from the time of such payment to the commencement of such suit or proceeding; and in the event that such deed shall be defeated or impeached on the trial of such cause, the money so deposited shall be awarded to the holder or claimant under such deed, except in the cases where the taxes were paid before sale, or the lands redeemed according to law. In the trial of every such cause on the part of the defendant, such deed shall first be read in evidence to the jury,

and shall be evidence in such suit or proceeding to the extent specified and provided in section 127 of chapter 18 of the revised statutes of 1858.

Use of jail granted to city.

SECTION 18. The use of the jail of Dane county, until otherwise provided, shall be granted to said city for the confinement of offenders, and every such offender shall be delivered to the sheriff of said county, for whose custody, safe-keeping and delivery the said sheriff shall be responsible, as in other cases, but said county shall not incur or pay any liability or expense on account of any person committed to said jail for a violation of any ordinance, by-law, rule or regulation of said city, but such expenses shall be paid by the city.

Real estate of individuals not liable for debts of city.

SECTION 19. No real or personal property of any inhabitant of said city, or any individual or corporation, shall be levied upon or sold by virtue of any execution issued to satisfy or collect any debt, obligation or contract of said city.

Judgments against city.

SECTION 20. When a judgment shall be recovered against said city or any ward thereof, or against an officer of said city or of any ward thereof, in any action prosecuted by or against him, in his name of office, where the same should be paid by the city or any ward thereof, no execution shall be issued or awarded upon such judgment except as hereinafter provided, but the same, unless reversed, shall be levied and collected as other city or ward charges, and when so collected, shall be paid by the city treasurer to the person to whom the same shall be adjudged, upon the delivery of a proper voucher therefor; but if payment thereof be not made within sixty days after the city treasurer is required to make his return of city or ward taxes, next after the rendition of such judgment, execution may be issued thereon, upon the order of the court authorized to issue such execution, on special application therefor.

Issue and sale of bonds.

SECTION 21. The mayor and common council of the city of Madison shall have no power hereafter to issue, sell or dispose of any city bonds of said city whatever, except such as are specially authorized by the act entitled "an act to authorize the city of Madison to compromise its bonded indebtedness," approved February 18, 1864, and incorporated into this act as chapter ten hereof.

SECTION 22. No member of the common council shall be elected or appointed to any office, agency or place of public trust or profit by the council, (except as provided by section 26 of this chapter.) Neither shall the common council sell or authorize the sale of any city order or certificate of indebtedness for the purpose of raising money or the payment of any debt, for less than the amount expressed upon the face thereof. Members of council not to hold any city office. Sale of orders.

SECTION 23. The mayor shall have power to grant pardons or commutations after conviction, for all offenses against the ordinances of the city, upon such conditions and with such restrictions as he may deem proper. He shall communicate any such action to the council at its next meeting, with the reasons therefor. All fines imposed by the police court of the city of Madison for violation of this act or ordinances, by-laws or regulations made in pursuance thereof, shall be paid by the officer collecting the same into the city treasury, and a separate account made thereof; and in the months of March and September, in each year, the city clerk shall report to the council the amount so received during the preceding six months, and also the expenses attending such prosecutions in the city during the same period. Pardons. Fines.

SECTION 24. The common council shall have power, and it shall be their duty, to expel from office any ward constable for misconduct or neglect in the discharge of his official duties, or for refusing or neglecting to perform such acts as are required of him by law. Expulsion of constables.

SECTION 25. The mayor shall annually nominate, and by and with the advice and consent of the common council, shall appoint an attorney to attend to such legal business of the city as shall be required of him by the council and mayor; but such attorney shall not receive more than three hundred dollars per year for such services, to be paid in the month of March, in each year, upon an itemized bill rendered. City attorney.

SECTION 26. The mayor *ex officio*, and one alderman, to be elected by the council *viva voce*, shall be members of the board of education of the city of Madison. They shall hold till their official term as mayor and alderman, respectively, shall expire, and shall have the same rights and privileges as other members of the board. The board of education shall annually, on the first day of September, and oftener if Board of education.

required, report in writing to the common council a full and detailed statement of the financial affairs and transactions of the board for the year preceding, and of its wants and requirements for the ensuing year. The common council shall have power to levy a special tax to pay all outstanding valid claims against the board of education, or such part thereof as they may deem proper; and the money arising from such tax shall be applied to no other purpose whatever. Money shall be paid from the treasury of the board, on future appropriations, only upon certificate of its president and clerk, and no order on the treasury nor other evidence of debt shall hereafter be issued upon the allowance of claims.

No salaries.

SECTION 27. No compensation or salary shall be paid out of the city treasury to the mayor or any alderman of said city for his services, except as provided in section 12 of this chapter.

Licenses not transferable.

SECTION 28. The common council shall never permit the transfer of any license from one person to another, unless the person to whom the same is transferred is to and shall pursue the business licensed, upon the same premises where the business was conducted by the party to whom the license was originally granted; and the person or persons to whom any license is transferred, shall not thereby by authorized to conduct or engage in the business licensed at any other place.

Public act.

SECTION 29. This act shall be considered a public act, and shall be construed favorably in all courts and places.

Repeal.

SECTION 30. An act entitled "an act to incorporate the city of Madison," approved March 4th, 1856, and all acts amendatory thereof, and all acts relating to the corporation of the city of Madison not retained in this act, are hereby repealed.

Approved March 23, 1865.

CHAPTER 198.

[*Published May* 6, 1865.]

AN ACT to extend the time for the collection of taxes in the town of Burke, Dane county.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. The time for the collection of all town, county, state and bounty taxes, levied upon the tax roll for the year 1864, in the town of Burke, Dane county, is hereby extended until the twenty-eighth day of March, 1865, and the treasurer of said town shall have the same authority to enforce the collection of such taxes in said town, as is now conferred by law upon town treasurers for such purposes, within the time prescribed by their warrants, up to and including the said twenty-eighth day of March: *provided*, that nothing in this act shall be construed to extend the time for the payment to the county treasurer of the state tax due from said town. Extended to March 28.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 24, 1865.

CHAPTER 199.

[*Published May* 8, 1865.]

AN ACT to authorize the City bank of Prescott to reduce its capital stock.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. The City bank of Prescott is hereby permitted to reduce its capital stock to a sum not less than twenty-five thousand dollars, upon filing with the bank comptroller a certificate from the secretary of state, that said bank has complied with the requirements of subdivision thirteen of an act to amend chapter four hundred and seventy-nine of the general laws of Wis- Capital may be reduced.

consin for the year 1852, entitled "an act to authorize the business of banking in the state of Wisconsin," approved May 15th, 1858, and setting forth in said certificate the amount to which such capital stock is to be reduced: *provided*, that said bank shall not be allowed to reduce its capital stock to an amount less than its circulating notes outstanding at the time of the filing of the certificate required in this section; and said bank shall be required to pay to the state treasurer all taxes due to the state on the full amount of their capital stock up to and including the day on which such certificate is filed with the bank comptroller.

Proviso.

Certificate to be filed.

SECTION 2. The president and cashier of said bank named in section one of this act, shall, after the passage of this act, file in the office of the register of deeds in the county where said bank is located, a certificate, under oath, stating the sum to which the capital stock of said bank is reduced.

SECTION 3. This act shall take effect and be in force from and after its passage.

Approved March 24, 1865.

CHAPTER 200.

[*Published May* 8, 1865.]

AN ACT to extend the time for the collection of certain taxes in the town of Port Washington, in the county of Ozaukee.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Extended to July 1.

SECTION 1. The time for the collection of the six thousand dollars voted at a special town meeting in the town of Port Washington, in the county of Ozaukee, on the 2d day of January, A. D 1865, for the purpose of giving bounty to volunteers to fill the quota of said town, is hereby extended to the first day of July, A. D. 1865, until which time the treasurer of said town now in office, by virtue of his warrant for the collection of taxes, shall have the same power and authority to receive and enforce the payment of said taxes in his town, and shall proceed in the same manner as is prescribed by

law, and shall not in the collection of said tax be affected by any change in the boundaries of the said town as it now stands.

SECTION 2. The town treasurer of said town shall, on the first day of July next, make returns to the county treasurer of said county, of all lands upon which such taxes shall not have been paid, and the county treasurer shall proceed to sell the lands upon which the taxes remain unpaid, in accordance with the provisions of section four of chapter 22 of the general laws of the year 1859. Returns.

SECTION 3. This act shall take effect and be in force from and after its passage.

Approved March 24, 1865.

CHAPTER 201.

[*Published May* 9, 1865]

AN ACT to authorize the Merchants' bank to reduce its capital stock.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. The Merchants' bank, a corporation organized under the general laws of the state, and doing business at Milwaukee, is hereby authorized to reduce its capital stock to a sum not less than fifty thousand dollars, upon filing with the bank comptroller a certificate from the secretary of state, that said bank has complied with the provisions of subdivision thirteen of an act to amend chapter 479 of the general laws of Wisconsin for the year 1852, entitled "an act to authorize the business of banking in the state of Wisconsin," approved May 15th, 1858, and setting forth in said certificate the amount to which such capital stock is reduced: *provided*, that said bank shall not be allowed to reduce its capital stock to an amount less than its circulating notes outstanding at the time of filing such certificate; and said bank shall be required to pay to the state treasurer all taxes due to the state upon the full amount of their capital up to and including the Capital may be reduced. Proviso.

day on which such certificate is filed with the comptroller.

Certificate to be filed.

SECTION 2. The president and cashier of said bank shall, after the passage of this act, file in the office of register of deeds of Milwaukee county, a certificate, under oath, stating the sum to which the capital stock of said bank is reduced, and that all of the capital stock of said bank, over and above the sum to which the same is reduced, has been refunded to the stockholders, and from and after the filing of such certificate, the capital stock of said bank shall be so reduced, and not before.

SECTION 3. This act shall be in force from and after its passage and publication.

Approved March 24, 1865.

CHAPTER 202.

[*Published March* 27, 1865.]

AN ACT to authorize the Sauk city bank of Wisconsin to reduce its capital stock.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Capital may be reduced.

SECTION 1. The Sauk city bank of Wisconsin is hereby authorized to reduce its capital stock to any sum not less than twenty-five thousand dollars, upon filing with the bank comptroller a certificate from the secretary of state, that said bank has complied with the requirements of subdivision thirteen of an act to amend chapter 479 of the general laws of Wisconsin for the year 1852, entitled "an act to authorize the business of banking in the state of Wisconsin," approved May 15th, 1858, and setting forth in said certificate the amount to which such capital stock is to be reduced: *provided*, that said bank shall not be allowed to reduce its capital stock to an amount less than its circulating notes outstanding at the time of the filing of the certificate required in this section; and said bank shall be quired to pay to the state treasurer all taxes due to the state on the full amount of its capital up to and including the day on which such certificate is filed with the bank comptroller.

Proviso.

SECTION 2. The president and cashier of the bank named in section one of this act, shall file in the office of the register of deeds in the county where said bank is located, a certificate, under oath, stating the sum to which the capital stock of said bank is reduced. Certificate to be filed.

SECTION 3. This act shall take effect and be in force from and after its passage.

Approved March 24, 1865.

CHAPTER 203.

[*Published May* 9, 1865.]

AN ACT to authorize the Juneau bank to reduce its capital stock.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. The Juneau bank is hereby authorized to reduce its capital stock to any sum not less than one hundred thousand dollars, upon filing with the bank comptroller a certificate from the secretary of state, that said bank has complied with the requirements of subdivision thirteen of an act to amend chapter 479 of the general laws of Wisconsin for the year 1852, entitled "an act to authorize the business of banking in the state of Wisconsin," approved May 15th, 1858, and setting forth in said certificate the amount to which such capital stock is to be reduced: *provided*, that said bank shall not be allowed to reduce its capital stock to an amount less than its circulating notes outstanding at the time of the filing of the certificate required in this section; and said bank shall be required to pay to the state treasurer all taxes due to the state on the full amount of its capital up to and including the day on which such certificate is filed with the bank comptroller. Capital may be reduced. Proviso.

SECTION 2. The president and cashier of the bank named in section one of this act, shall file in the office of the register of deeds in the county where said bank is located, a certificate, under oath, stating the sum to which the capital stock of said bank is reduced. Certificate to be filed.

SECTION 3. This act shall take effect and be in force from and after its passage.

Approved March 24, 1865.

CHAPTER 204.

[*Published May* 12, 1865.]

AN ACT to change the Juneau bank to a national banking association.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

May organize under national banking law.

SECTION 1. The Juneau bank, located and doing business in the city of Milwaukee, county of Milwaukee, and state of Wisconsin, is hereby authorized and empowered to change and convert its capital stock or organization into a national banking association, as hereinafter provided, under the general banking law of the United States, and according to the provisions of the forty-fourth section of the act of congress entitled "an act to provide a national currency, secured by a pledge of United States bonds, and to provide for the circulation and redemption thereof," approved June 3d, 1864.

Assent of holders of two-thirds of stock necessary.

SECTION 2. Whenever the stockholders of said bank owning at least two-thirds of the capital stock thereof, shall give their assent in writing, in due form of law, to change and convert said bank into a national banking association, and such assent having been filed in said bank, it shall and may be lawful for the directors thereof, or a majority of them, to proceed at once to change and convert the same into a national banking association, with such name and style as they may choose to adopt, and also to perfect the organization of such new association, in pursuance of and in accordance with the provisions of said act of congress, anything in the laws of this state to the contrary notwithstanding.

When property shall vest in new association.

SECTION 3. Whenever the organization of such new association shall be complete under and in pursuance of said act of congress, all the property, personal and real, and of every kind and description, belonging to said Bank of Juneau, shall become and is hereby declared vested in the said national banking association, and the latter shall be deemed in law to be the successor of the former, so far as relates to its legal rights and remedies, and also its liabilities. And from thence and thereafter, the said Bank of Juneau shall cease to be subject to the laws of this state under which it

Notes of old association may be retired by new.

organized and had its existence, except so far as relates to the redemption of its circulating notes, and they may be retired by the new association in the mode and manner prescribed by the general banking law of this state, and the acts amendatory thereof: *provided, however*, that nothing in this act contained shall be so construed as to release the new association from the payment of the state tax, as now provided by law, until eighty per cent. of the circulating notes of said Bank of Juneau shall have been retired, pursuant to section eleven of chapter seventy one of the revised statutes, and the acts amendatory thereof. State tax.

SECTION 4. This act shall take effect and be in force from and after its passage and publication.

Approved March 24, 1865.

CHAPTER 205.

[*Published May* 4, 1865.]

AN ACT to incorporate the Depere and New York iron company.

(*See supplement to local laws.*)

CHAPTER 206.

[*Published March* 27, 1865.]

AN ACT for the relief of the town of Marcellon, in the county of Columbia.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. James H. Bonney, Hiram Bonney, William Ensign, Archibald Brice and Rufus Comstock, or a majority of them, are hereby created commissioners for the purpose of transacting all business and performing all duties now required by law to be transacted and performed by the supervisors of the town of Mar- Commissioners—their powers.

cellon, in the county of Columbia, until said town shall have elected a board of town supervisors, and until they shall have been duly qualified according to law.

Validity of acts of commissioners

SECTION 2. All acts of such commissioners appointed by the foregoing section, which they or a majority of them shall perform in accordance with law, for the purpose above stated, shall be and are hereby declared as valid to all intents and purposes, as if performed by the supervisors of said town, any previous enactments to the contrary notwithstanding.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved March 25, 1865.

CHAPTER 207.

[*Published May* 4, 1865.]

AN ACT relative to the disposition and expenditure of license moneys in the town of West Bend, in the county of Washington.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

To be expended on sidewalks.

SECTION 1. All moneys derived or hereafter to be derived from licensing the sale of strong, spirituous, ardent or intoxicating liquors, in the town of West Bend, in the county of Washington, shall be applied and expended under the direction of the town board of supervisors of said town, in the making, building and construction of sidewalks in the village of West Bend, in said town of West Bend.

SECTION 2. This act is hereby declared to be a public act, and shall take affect and be in force from and after its passage and publication.

Approved March 25, 1865.

CHAPTER 208.

[*Published May* 5, 1865.]

AN ACT to provide for the publishing of the clerk's list of lands subject to tax deeds, and the treasurer's list of lands returned for non-payment of taxes, in the *Pioneer am Wisconsin.*

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. The clerk's list of lands subject to tax deeds, and the treasurer's list of lands returned for non-payment of taxes, shall be hereafter published in the *Pioneer am Wisconsin*, so far as said lists shall relate to or include lands situated in the towns of Prairie du Sac, Troy, Franklin, Honey Creek, Bear Creek and Spring Green, in the county of Sauk, state of Wisconsin; and the same fees shall be allowed for such publication as by law are allowed for publishing said tax notices. List of certain lands to be advertised in the *Pioneer am Wisconsin.*

SECTION 2. All acts and parts of acts contravening the provisions of this act, are hereby repealed. Repeal.

SECTION 3. This act shall take effect on and after its passage and publication.

Approved March 25, 1865.

CHAPTER 209.

[*Published May* 4, 1865.]

AN ACT to amend subdivision four, relating to Grant county, of section two of the general laws of 1861, entitled "an act to apportion the state into senate and assembly districts."

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. The fourth subdivision of that part of section two of chapter two hundred and sixteen of the general laws of 1861, entitled "an act to apportion the state into senate and assembly districts," relating to Grant county, is hereby amended, so that it will read as follows: "The towns of Blue River, Muscoda, Wa- Amendment.

terstown, Hickory Grove, Boscobel, Marian, Fennimore, Millville, Woodman and Mount Hope, shall constitute an assembly district."

SECTION 2. This act shall take effect and be in force from and after its passage.

Approved March 25, 1865.

CHAPTER 210.

[*Published May* 6, 1865.]

AN ACT to regulate the platting of lots and parcels of land in the city of Watertown, and to provide for correcting imperfect descriptions of real estate therein.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Lots may be surveyed and platted.

SECTION 1. The common council of the city of Watertown are hereby authorized, in such cases as they deem necessary, to cause accurate surveys to be made, or correct descriptions without survey, where the same is practicable, of lots or parcels of land in said city, of which the descriptions are imperfect, for the purpose of having a brief and definite description in the assessment of such lots or parcels of land, and to cause accurate plats thereof to be made and certified by the surveyor. Such plats, when approved by the common council, shall be filed in the office of the city clerk, and a copy thereof recorded in the office of register of deeds of the proper county. The descriptions thereon may be marked and designated in such manner as shall be approved by the common council.

To be approved by council and recorded.

Landmarks.

SECTION 2. Said common council may cause to be established in said city, such permanent landmarks as they may deem necessary.

To be evidence.

SECTION 3. The plats and landmarks so made and established, shall be *prima facie* evidence of the same, and of the matters and things therein, in all cases in which they shall be drawn into controversy in all courts of this state.

Streets of new plats to correspond with old.

SECTION 4. Every individual or company of individuals, or body corporate, owning a lot or tract of land

within the corporate limits of the city of Watertown, who may desire to subdivide or plat such lot or tract of land into city lots, shall, in platting the same, cause the streets and alleys in such plat to correspond in width and general direction with the streets and alleys through the lots and blocks in said city adjacent to said lot or tract of land so platted; and before recording such plat, as required by law, it shall be the duty of the person or persons making such plat, to submit the same to the common council of said city for approval, and if such plat shall be approved by the common council, it shall be lawful for the party or parties making such plat, to record the same in the manner prescribed in the revised statutes of this state concerning town plats; but except such plat shall be approved by resolution adopted by said common council, a copy of which, duly certified to by the city clerk, shall be affixed to said plat, it shall not be lawful for the register of deeds to receive such plat for record; and the person or persons neglecting or refusing to comply with the requirements of this act, shall forfeit and pay a sum not less than one hundred dollars, nor more than five hundred dollars, and the register of deeds who shall record such plat without such resolution of the common council thereto attached, approving the same, shall forfeit and pay a sum not less than twenty-five dollars, nor more than fifty dollars.

New plats to be approved by council, before being recorded.

Forfeitures.

SECTION 5. All forfeitures and liabilities which may be incurred and arise under and by virtue of this act, shall be prosecuted for and recovered in the name of the city of Watertown, and paid into the city treasury, for the use and benefit of said city.

Application of forfeitures.

SECTION 6. This act shall take effect and be in force from and after its passage.

Approved March 25, 1865.

CHAPTER 211.

[*Published May* 4, 1865.]

AN ACT to authorize the town of Watertown, in Jefferson county, to pay certain moneys to the families of drafted men and persons furnishing substitutes.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

How moneys raised may be appropriated.

SECTION 1. All money heretofore raised by tax in the town of Watertown, Jefferson county, for the purpose of paying bounties to volunteers, which remains unexpended, and all to be raised for such purpose in pursuance of a vote of said town heretofore taken, may be appropriated and used for the purpose of paying to the family of each man drafted under the last call of the president for volunteers, the same sum as said town is now authorized by law to pay to volunteers who shall enlist and be credited on the quota of said town.

Ibid.

SECTION 2. The aforesaid moneys may also be appropriated and used for the purpose of paying two hundred dollars to each person liable to draft in said town, who shall furnish a substitute and have him credited on the quota of said town, under the said last call.

SECTION 3. This act shall take effect and be in force from and after its passage.

Approved March 25, 1865.

CHAPTER 212.

[*Published May* 6, 1865.]

AN ACT to legalize the acts of a special election held on the 9th day of January, 1865, in the town of Fayette, La Fayette county, Wisconsin, and authorizing the collection of the tax voted at said election.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Bounty tax proceedings legalized.

SECTION 1. The special election held in the town of

Fayette, La Fayette county, Wisconsin, on the 9th day of January, 1865, for the purpose of raising a special tax to pay bounties to volunteers enlisting in the military service of the United States, is hereby declared legal and valid, for all the intents and purposes for which the same was held; and all acts done in pursuance of the vote and votes of said election, by the officers of said town, or any of them, are hereby declared valid, the same as if the law had been fully complied with in conducting said election. Nothing in this act shall be so construed as to sanction the payment of more than $200 to any volunteer, or person providing himself with a substitute. Limit to bounty.

SECTION 2. All acts of the officers of said town, in proceeding to collect said tax, are hereby legalized and declared valid. Collection of tax legalized.

SECTION 3. This act shall take effect and be in force from and after its passage.

Approved March 25, 1865.

CHAPTER 213.

[*Published May* 5, 1865.]

AN ACT to legalize a special town meeting in the town of Cedarburgh, Ozaukee county, held January 14th, 1865, and to authorize the town board of supervisors to issue town orders for certain purposes therein named.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. The special town meeting of the town of Cedarburgh, in the county of Ozaukee, held on the fourteenth day of January, A. D. 1865, and all the acts, votes, resolves and proceedings of said meeting, are declared and made legal, valid and binding in the law, the same as if the requirements of the law had in all respects been strictly and fully complied with in notifying and conducting said meeting; and the tax of five thousand dollars voted at said meeting, shall be apportioned and collected as provided by law. Bounty tax proceedings legalized.

SECTION 2. The said tax shall be collected at the same time and in the same manner as the general town Collection of tax.

tax of said town for the year 1866 shall be collected, and the time for the payment and collection of said tax is hereby extended accordingly.

Town orders may be issued.

SECTION 3. The board of supervisors of said town of Cedarburg, may cause to be issued town orders, drawn on and payable out of the fund created by said tax, to such an amount as they may in their discretion deem proper, not to exceed the amount of five thousand dollars; and such orders may be drawn to bear interest at a rate not to exceed seven per cent. per annum, and may be made payable at such time or times as the said board of supervisors may determine.

Negotiation of orders.

SECTION 4. The said board of supervisors shall have power, and they are hereby authorized, to negotiate, sell and dispose of such orders or any part thereof, and to do any other act or thing in the premises necessary and proper to be done in order to disburse or pay out the said orders or the said tax, or cause the same to be done: *provided, however*, that the said orders shall not be sold or disposed of at less than par; *and provided, also*, that not more than two hundred dollars shall be paid as a bounty or otherwise, to any one person or volunteer.

SECTION 5. This act shall take effect and be in force from and after its passage.

Approved March 25, 1865.

CHAPTER 214.

[*Published May* 4, 1865.]

AN ACT to authorize the state superintendent of public instruction to apportion certain school moneys in the town of Hebron, in the county of Jefferson.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Apportionment of school moneys to town.

SECTION 1. The state superintendent of public instruction is hereby authorized and directed to apportion to the town of Hebron, in the county of Jefferson, the full amount of school moneys for the year 1865, to which said town would have been entitled if the annual

report of the clerk of school district number two (2) of said town, for the year 1864, had been made within the time required by law.

SECTION 2. The (*the*) town clerk of the said town of Hebron is hereby directed to apportion to school district number two, its full share of all school moneys coming into the hands of the town treasurer for the year 1865, the same as if the annual report of the district clerk for the year 1864, had been received by him at the time specified by law for making said report. Ibid. to district No. 2.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved March 25, 1865.

CHAPTER 215.

[*Published May* 5, 1865.]

AN ACT to authorize and empower Robert Lawrie to build and maintain docks and piers extending into Sturgeon Bay.

(*See supplement to local laws.*)

CHAPTER 216.

[*Published May* 6, 1865.]

AN ACT to extend the time for the expenditure of the drainage fund in certain towns in the counties of Door, Brown and Kewaunee, as provided in chapter 438 of the general laws of 1864, entitled "an act to provide for the disposal and expenditure of the drainage fund in the towns of Gardner and Brussel, in Door county, the town of Red River, in Kewaunee county, and the town of Green Bay, in Brown county."

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. The time for the expenditure of the drainage fund, as provided in sections one and two of chapter 438 of the general laws of 1864, is hereby ex- Extended for two years.

tended for two years from the passage of this act: *provided*, that the commissioners to expend said fund shall make a full report of their doings and expenditures to the county board of each county, at any meeting thereof, respectively, every six months during the two years herein provided for.

SECTION 2. This act shall take effect and be in force from and after its passage.

Approved March 25, 1865.

CHAPTER 217.

[*Published May* 6, 1865.]

AN ACT to change the name of the town of Abbott, in Sheboygan county, to that of Sherman.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Name changed.

SECTION 1. The name of the town of Abbott, in the county of Sheboygan, is hereby changed from that of Abbott to that of Sherman, by which name it shall be known in all places and for all purposes.

Transfer of liabilities.

SECTION 2. All liabilities which now exist and which of right attach themselves to the town of Abbott, or any citizen of said town, and all rights, privileges and immunities now enjoyed by the citizens of the said town of Abbott, are hereby and herein transferred by virtue of this act, from the town of Abbott (as above named) to that of Sherman.

SECTION 3. This act shall take effect and be in force from and after its passage.

Approved March 25, 1865.

CHAPTER 218.

[*Published May* 6, 1865.]

AN ACT to change the name of Hydraulic street to Union street, in the city of Beloit.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. The name of Hydraulic street, in the city of Beloit, Wisconsin, is hereby changed to Union street, and said Hydraulic street shall hereafter be called and known as Union street. Name changed.

SECTION 2. This act shall take effect and be in force from and after its passage.

Approved March 25, 1865.

CHAPTER 219.

[*Published May* 8, 1865.]

AN ACT to amend the charter of the village of Jefferson, Jefferson county.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. The charter of the village of Jefferson, in Jefferson county, is hereby amended as follows, to wit: "The said village of Jefferson shall constitute three road districts of the town of Jefferson, that part of said village lying west of Rock river, to be designated as road district No. 29; that part of said village east of Rock river and north of the south line of Racina street and the Milwaukee road, to be designated as road district No. 30, and the residue of said village to be designated as road district No. 31." Village to constitute three road districts.

SECTION 2. At the annual election of said village, there shall be elected a clerk of said village, a street commissioner, and three overseers of highways, one to reside and act in each of the above named districts; and said overseers shall receive their tax rolls from the supervisors of said town and make retuns to said supervisors, Election of clerk, street commissioner and overseers.

non-payment of said taxes in said village, for said years, are hereby legalized and declared valid.

SECTION 3. This act shall be in force from and after its passage and publication.

Approved March 25, 1865.

CHAPTER 222.

[*Published May* 9, 1865.]

AN ACT to amend chapter 30 of the private and local laws of 1859, entitled "an act to amend 'an act to incorporate the village of Waukesha.'"

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Not applicable to gutters.

SECTION 1. Section twenty-six of chapter thirty of the private and local laws of 1859, is hereby amended, by adding thereto the following: "*Provided*, that nothing in this section shall apply to the making, paving or repairing any gutter in any street, highway or alley in said village, or to the levying or collecting any tax therefor."

Further powers of trustees.

SECTION 2. Section twenty-nine of said chapter thirty is hereby amended, so as to read as follows: "The trustees of said village, in addition to other powers conferred on them by this act, may order the making, paving and repairing of gutters in any street, highway or alley in said village; and whenever they shall order any such gutter to be made, paved or repaired, or shall order sidewalks to be built or repaired upon any street, highway or alley in said village, they shall levy and cause to be collected such sum or sums as they may estimate to be necessary for such purpose or purposes, by tax upon all the real estate or lots fronting or bounding on that side of such street, highway or alley where such gutter is ordered to be made, paved or repaired, or where such sidewalk is ordered to be built or repaired, in equal proportions per foot of the front or width of such real estate or lots on such street, highway or alley; and in case such tax shall prove insufficient to pay the expense of making, paving or repairing such gutter, or

of building or repairing such sidewalk, said trustees shall have power to levy and collect any such deficiency in the same manner as the original tax was levied and collected."

SECTION 3. This act shall take effect and be in force from and after its passage, and so much of the act to which this is amendatory as conflicts with this act, is hereby repealed. Repeal.

Approved March 25, 1865.

CHAPTER 223.

[*Published May* 9, 1865.]

AN ACT to incorporate the Darien masonic hall association.

(*See supplement to local laws.*)

CHAPTER 224.

[*Published May* 12, 1865.]

AN ACT to incorporate the La Crosse hotel company.

(*See supplement to local laws.*)

CHAPTER 225.

[*Published March* 28, 1865.]

AN ACT to incorporate the Northwestern petroleum company.

(*See supplement to local laws.*)

CHAPTER 226.

[*Published May* 4, 1865.]

AN ACT to incorporate the Fond du Lac gas-light company.

(*See supplement to local laws.*)

CHAPTER 227.

[*Published May* 8, 1865.]

AN ACT to incorporate the Monroe and Dubuque railroad mining company.

(*See supplement to local laws.*)

CHAPTER 228.

[*Published May* 8, 1865.]

AN ACT to aid the St. Croix and Lake Superior railroad company.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Amendment. SECTION 1. Section one of chapter 420 of the session laws of 1864, is hereby amended, by striking out of said section all the words which are found therein after the word "provided," and inserting in lieu thereof, "that said exemption shall not extend to any such lands which shall be sold, leased or conveyed, or contracted to be sold; but said company may mortgage and encumber said lands for the purpose of raising funds to build said railroad, without being subject to taxation for the time aforesaid, by reason of such mortgage or encumbrance."

Application. SECTION 2. This act and the act to which this is amendatory, shall apply to all lands which may be

hereafter acquired by said company under the act of congress granting lands to the state of Wisconsin, to aid in the construction of railroads, approved May 5th, 1864, and the rights of said company in said lands granted and secured to it by the laws of this state.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved March 28, 1865.

CHAPTER 229.

[*Published April* 1, 1865.]

AN ACT to incorporate the Wisconsin paper company.

(*See supplement to local laws.*)

CHAPTER 230.

[*Published April* 20, 1865.]

AN ACT to incorporate the Milwaukee city railway company.

(*See supplement to local laws.*)

CHAPTER 231.

[*Published April* 10, 1865.]

AN ACT to incorporate the village of Oconomowoc.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. All that district of country described as follows: all the east fractional half of section No. thirty-two (32,) all of the west half of section thirty- Village of Oconomowoc—boundaries.

three (33,) all of the west half of the east half of section thirty-three (33,) in township number eight, range seventeen (17,) which lies in the town of Oconomowoc, Waukesha county, all of the nortwest quarter of section number four (4,) in township number seven (7,) which lies in the town of Summit, Waukesha county, Wisconsin, shall hereafter be known and designated as "the village of Oconomowoc," and the inhabitants residing or who may hereafter reside within the limits of the said village, are hereby constituted a body corporate, by the name of the president and trustees of the village of Oconomowoc, and by that name they and their successors forever hereafter shall and may have perpetual succession, and shall be in law capable of suing and being sued, and pleading and being impleaded, answering and being answered unto, defending and being defended, in their corporate name, in all courts and places, and in all suits whatsoever, with power of purchasing, receiving, holding, occupying and conveying real and personal estate, and shall have a common seal, and may change the same at pleasure.

Powers.

Government—how vested.

SECTION 2. The government of said corporation and the exercise of its corporate powers and the management of its fiscal, prudential and municipal concerns, shall be vested in a president and five trustees, and such other officers as are hereinafter provided for.

Officers.

SECTION 3. The officers of the said corporation shall be one president and five trustees, one clerk, one treasurer, one police justice and one constable, who shall be *ex officio* marshal of said corporation, and such other officers as the trustees shall ordain. The president and trustees and police justice shall be elected by the qualified voters of said corporation on the second Monday of April, in each year, and shall hold their respective offices for one year, and until their successors are elected and qualified. The clerk shall give at least ten days' notice of the time and place of holding any election, and the president and trustees, or any two of them, shall preside at every such election; and any vacancy in the office of president shall be filled by a special election, and vacancies in the office of trustees shall be filled by the president and trustees. All other officers shall be appointed by the president and trustees, and shall hold their offices during the term for which the trustees are elected, and until their successors are ap-

Annual election.

Appointed officers.

pointed and qualified, and shall be subject to removal by the president and trustees. All persons qualified to vote in said village for member of the state assembly, and who are residents of said village at the time such vote is offered, shall be legal voters for corporation officers, and the president shall be *ex officio* a trustee of said village. The voters present at any election may appoint three voters to act as judges of election, in case there shall not be a quorum of trustees present to conduct the election.

How elections conducted.

SECTION 4. At all elections held under this act, the polls shall be opened at one o'clock in the afternoon, and shall continue open till five o'clock in the afternoon of the same day, and the election shall be by ballot, conducted in the same manner, as far as may be, as elections for members of assembly, and a plurality of votes shall in all cases decide the election.

Special elections.

SECTION 5. In case such officers, or any of them, shall not be elected as herein provided, the corporation shall not thereby be dissolved, but special elections for the election of president and trustees may be held as herein provided for annual elections, and in case there shall be no officer to give notice thereof, then such nosice may be given by any ten freehold voters of said village, as herein provided for annual elections.

Oath.

SECTION 6. Every officer elected or appointed under this act, before he enters upon the duties of his office, and within ten days after his appointment or election, shall take an oath faithfully to discharge the duties of his office, and to support the constitution of the United States and of this state, and the laws thereof.

Treasurer and constable to give bonds.

SECTION 7. The treasurer and constable, before they enter upon the duties of their offices, shall severally give bonds to the trustees in such sum, with such conditions and with such sureties as said trustees, or a majority of them, shall direct.

President—his duties.

SECTION 8. The president shall preside at all meetings of the trustees, sign all commissions, licenses and permits which may by granted by the trustees. He shall maintain peace and good order, and see that the ordinances of the village are observed and executed, and when presiding at any meeting of the trustees, shall have a casting vote when the votes of the members are equal.

Police court—powers, jurisdiction, &c.

SECTION 9. There is hereby created and establish-

three (33,) all of the west half of the east half of section thirty-three (33,) in township number eight, range seventeen (17,) which lies in the town of Oconomowoc, Waukesha county, all of the nortwest quarter of section number four (4,) in township number seven (7,) which lies in the town of Summit, Waukesha county, Wisconsin, shall hereafter be known and designated as "the village of Oconomowoc," and the inhabitants residing or who may hereafter reside within the limits of the said village, are hereby constituted a body corporate, by the name of the president and trustees of the village of Oconomowoc, and by that name they and their successors forever hereafter shall and may have perpetual succession, and shall be in law capable of suing and being sued, and pleading and being impleaded, answering and being answered unto, defending and being defended, in their corporate name, in all courts and places, and in all suits whatsoever, with power of purchasing, receiving, holding, occupying and conveying real and personal estate, and shall have a common seal, and may change the same at pleasure.

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Annual election.

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Police court—powers, jurisdiction, &c.

SECTION 9. There is hereby created and establish-

Clerk—his duties and powers.

SECTION 13. It shall be the duty of the clerk to keep a record of the doings of the board of trustees, especially of the passing of by-laws, ordinances, rules, resolutions and regulations, and also a faithful record of all the doings and votes of the inhabitants of said village at their annual and other legal meetings, and to keep on file all papers which may be ordered by the trustees. The records kept by the clerk shall be evidence in all legal proceedings, and copies of all papers duly filed in his office, and transcripts from the record of proceedings of the board of trustees, certified by him under the corporate seal, shall be evidence in all courts of the contents of the same. He shall keep the corporate seal of the said village. He shall keep a full and accurate account of all orders drawn on the treasury, in a book provided for that purpose, and shall keep all accounts of the corporation with individuals, and shall also keep an accurate account with the treasurer, and charge him with all taxes levied and sums of money paid into the treasury; and all receipts of the payment of money or property to the treasurer shall be countersigned by the clerk before they shall be a legal voucher against the village. The clerk shall have power to administer oaths.

Other duties may be required of officers.

SECTION 14. The president and trustees shall have power, from time to time, to require other and further duties to be performed by any officer whose duties are herein prescribed, and to appoint such other officers as may be necessary to carry into effect the provisions of this act, and to prescribe their duties, and to fix the compensation of all officers elected or appointed by them. Such compensation shall be fixed by resolution at the time the office is created, or at the commencement of the year, and shall not be increased or diminished during the term such officer shall remain in office.

Penalty.

SECTION 15. If any person having been an officer in said village, shall not within ten days after notification and request, deliver to his successor in office all property, moneys, books, papers and effects of every description in his possession, belonging to said village or pertaining to the office he may have held, he shall forfeit and pay to the use of the village one hundred dollars, besides all damages caused by his neglect or refusal so to deliver; and such successor may recover the possession of such books, papers and effects in the manner prescribed by the laws of this state.

SECTION 16. The style of all ordinances passed by the president and trustees shall be, "the president and trustees of the village of Oconomowoc do ordain as follows." The president and three trustees shall constitute a quorum for the transaction of any business, and in the absence of the president, four trustees present shall appoint one of their number president *pro tem.*, who shall possess all the powers of the president. Style of ordinances—quorum.

SECTION 17. The president and trustees shall have the exclusive authority within the corporate limits of the said village, to grant, according to law or ordinance, or both, licenses for selling wine, beer or cider, or spirituous, intoxicating, alcoholic, vinous, fermented, malt or mixed liquors, liquids or drinks, regulate and license groceries, taverns, hotels, victualing houses and saloons, and all persons vending or dealing in any such liquors, drinks or liquids, [and] to revoke the same; and no person shall sell, vend, deal in, or for the purpose of evading the provisions of law, or of this act, or the ordinances of said village, give away any such wine, beer, cider, or intoxicating, spirituous, alcoholic, vinous, fermented, mixed or malt liquors or drinks, within such corporate limits, without having first obtained license therefor, as provided by this act, the laws of this state and the ordinances of said village; and any person who shall in any manner violate any of the provisions of this section, or the ordinances of [or] the laws herein referred to, shall, on conviction thereof, be punished as provided by the laws of this state and the ordinances of said village on this subject, and all such offenses shall be prosecuted as provided by such laws and ordinances. All moneys received for such licenses shall be paid to the treasurer of said village for its use: *provided*, that the sum to be paid for any such license shall not be less than the amount fixed and provided by the laws of this state or the ordinances of the said village, and that no license shall be granted for a less time than one year; *and provided, further*, that no person thus licensed, without being so licensed, shall sell or give away any such wine, beer, cider, or spirituous, intoxicating, alcoholic, vinous, fermented, mixed or malt liquors, liquids or drinks, on election day or on Sunday. In all prosecutions for any violation of this section, or of the laws or ordinances herein referred to, it shall be sufficient to allege, in general terms, the selling, vending, dealing Licenses. Penalties for violation of license laws.

in [or] giving away without such license, of such inhibited liquors, liquids or drinks, and the proof on the trial of such selling, vending, dealing in or giving away to any person of any one of such inhibited liquors, liquids or drinks, shall be sufficient to warrant and sustain a conviction, on [or] proof that the person charged kept a bar, sideboard or other thing or fixtures, with bar furniture usually used by persons vending or dealing in such inhibited liquors, liquids or drinks, shall be *prima facie* evidence sufficient to warrant and sustain a conviction; or proof that he delivered any such inhibited liquors, liquids or drinks to any person, shall also be *prima facie* evidence sufficient to warrant and sustain a conviction for any such violation.

Slaughter houses

SECTION 18. No person shall keep a slaughter-house, yard or pen, or occupy any open ground for slaughtering purposes, within the corporate limits of the said village, or keep any such place for depositing the offal of slaughtered animals within such limits, without the consent of the said president and trustees, entered of record; and any person who shall violate this section shall, on conviction thereof, forfeit and pay for each day he shall keep or occupy any such place for such purpose, the sum of twenty dollars, with costs of prosecution, and shall also, in addition thereto, be guilty of a misdemeanor, and on conviction thereof shall be punished by fine and imprisonment. All such places are hereby declared to be "common nuisances," and shall be abated as provided by law and the ordinances of said village.

Powers and duties of president and trustees.

SECTION 19. The president and trustees shall have the control and management of the finances and of all the property of the village, and shall likewise, in addition to the powers herein vested in them, have full power to make, enact, ordain, establish, publish, enforce, alter, modify, amend and repeal all such ordinances, rules, regulations, resolutions and by-laws for the government and good order of the village, for the suppression of vice and immorality, for the prevention of crime and for the benefit of trade, commerce and health, as they shall deem expedient, declaring and imposing penalties, and to enforce the same against any person or persons who may violate any of the provisions of such ordinances, rules, regulations, resolutions or by-laws; and such ordinances, rules, regulations, resolutions or

by-laws are hereby declared to be and have the power and force of laws: *provided*, that they be not repugnant to the constitution and the laws of the United States or of this state; and for these purposes shall have authority, by ordinances, resolutions, by-laws, regulations or rules:

1st. To license and to regulate the exhibition of common showmen, or shows of any kind, or the exhibition of caravans, circuses or theatrical performances, and to provide for the abatement and removal of all nuisances under the ordinances or at common law; to restrain, prohibit or license billard tables, ten pin or other ball alleys, or the setting up or playing on the same in said village. Shows.

2d. To restrain and prohibit all descriptions of gaming and fraudulent devices and practices, and all playing of cards, dice or other games of chance, for the purpose of gaming in the said village; and to restrain any person from vending, giving or dealing in spirituous, intoxicating, alcoholic, malt, mixed, fermented or vinous liquors, unless duly licensed by them. Gaming.

3d. To prevent any riots, noises, disturbances or disorderly assemblages, suppress and restrain disorderly houses or groceries, and houses of ill-fame, and to authorize the destruction of all instruments used for the purpose of gaming. Riots.

4th. To compel the owner or occupant of any grocery, cellar, tallow-chandler shop, soap factory, stable, barn, privy, sewer or other unwholesome, nauseous house or place, to cleanse, remove or abate the same from time to time, as often as it may be deemed necessary for the health, comfort and convenience of the inhabitants of said village. Nuisances.

5th. To direct the location and management of slaughter-houses, and to prevent the erection, use and occupation of the same, and to establish rates for and license venders of gunpowder, and regulate the storage, keeping and conveying of the same, or other combustible materials. Slaughter houses gunpowder, &c.

6th. To prevent the encumbering of streets, sidewalks, lanes and alleys with carriages, sleighs, boxes, lumber, firewood or any other materials or substances whatever. Encumbering streets, &c.

7th. To prevent horse-racing, immoderate riding or driving in the streets. Horse racing.

Restraining horses, &c.

8th. To restrain the running at large of horses, cattle, mules, swine, sheep, poultry and geese, and to authorize the distraining, impounding and sale of the same.

Dogs.

9th. To prevent the running at large of dogs, and to authorize the destruction of the same in a summary manner, when at large contrary to the ordinances.

Putrid carcasses, &c.

10th. To prevent any person from bringing, depositing or leaving within said village any putrid carcass or other unwholesome substance, and to require the removal of the same by any person who shall have upon his premises any such substance, and in default of such person, to authorize the removal thereof by some competent officer, at the expense of such person or persons.

Pounds.

11th. To make and establish a pound, and appoint a pound master; also, to protect shade or ornamental trees on the public squares or in the streets of the corporation.

Special meetings.

12th. To call regular and special meetings of the voters of the said village, and to prescribe the compensation of the clerk of the corporation, and shall examine, audit and adjust the accounts of all persons, but shall receive no compensation whatever for their services as officers of said village.

Fire companies, &c.

13th. To organize fire companies, hook and ladder companies, to regulate their government and the time and manner of their exercise, to provide all necessary apparatus for the extinguishment of fires, to construct and preserve reservoirs, pumps, wells, and other water-works, and regulate the use thereof, and, generally, to establish such measures of prudence for the prevention or extinguishment of fires, as they may deem proper.

Drunkards, &c.

14th. To restrain drunkards, immoderate drinking or obscenity in the streets or other places in the said village, and to provide for the arresting, removing and punishing any person or persons who may be guilty of the same.

Peddlers.

15th. To regulate, suppress or license hawkers and peddlers.

Trees.

16th. They shall have power to require the owner of any lots or grounds in the village to set out ornamental trees in the street or streets fronting the same, and in default thereof to cause the same to be

done, and to levy a special tax upon such lot or grounds to pay the expense of the same.

17th. To compel the owners of buildings or the occupants, when the same are occupied, to remove snow, dirt or rubbish from sidewalks, streets or alleys opposite thereto, and in default, to authorize the removal of the same, by some officer of the village, at the expense of such owner or occupant. Snow, dirt, &c.

18th. To tax every male resident of said village above the age of twenty-one years, one days' labor, or in lieu thereof, one dollar, to be appropriated to improving the roads and streets of said village, under the direction of such person as they may appoint. Poll tax.

19th. Upon the application of the owners of two-thirds of the lots on any street or part of a street, or on one side of any block, to levy and collect a special tax on the owners of the lots on such street or part of street, according to their respective parts, for the purpose of making a sidewalk along the same, or grading, paving and improving the street along the same. Sidewalks.

20th. To make, open, keep in repair, grade, improve, lay out, alter, widen, vacate or discontinue streets, lanes, alleys, sewers and sidewalks, to keep them free from encumbrances, and to protect them from injury in said village. Streets, &c.

SECTION 20. Whenever the trustees shall levy any tax for the purpose of grading, paving or otherwise improving any street, or for the buiding or repairing any sidewalk, or for any other special purpose, they shall make out and deliver to the street commissioner such tax to be collected and expended, a list of persons and a description of the property taxed; and thereupon the street commissioner shall notify the persons named in such tax list, by publishing a notice in three or more of the most conspicuous places in said village, or in some public newspaper printed therein, and shall specify in such notice a time not less than twenty days nor more than thirty days from the date thereof, when the persons charged with taxes in such list may pay their taxes in labor, materials or money; and the persons charged with such tax may, within such time and at such place as may be required by such street commissioner, pay their taxes in labor or materials: *provided*, the labor and materials offered in payment for such Tax for street improvements.

taxes are suitable and such as may be required by said street commissioner.

Collection of taxes.

SECTION 21. At the expiration of thirty days from the time the said street commissioner shall have received such tax list, he shall return the same to the trustees, accompanied by a statement verified by his affidavit subscribed thereto, showing the amount of tax collected in labor and materials, and the amount collected in money, and the manner in which such money was expended, and the items of expenditure; also, the taxes which remain unpaid, and the persons and descriptions of real estate and lots to which such unpaid taxes stand charged; and the clerk of said village shall make out a certified copy thereof, and deliver the same to the town clerk of the town in which said village is situated, who shall in making out the duplicate tax and assessment of such town next thereafter, enter such unpaid special taxes therein in a separate column, with ten per cent. added thereto opposite to the names of the persons and descriptions of property against which the taxes so remain charged and unpaid; and such taxes shall be collected in the same manner as the general taxes of said village and town are collected, and when so collected, shall be paid over on the order of the trustees, and when not previously applied, shall be expended under their direction on the street or sidewalk, or for the purpose for which they were originally assessed.

Penalty for violation of ordinances, &c.

SECTION 22. In all cases in relation to which, by the provisions of this act, the president and trustees have power to enact or pass ordinances, rules, regulations, resolutions or by-laws in relation to any subject, they may prescribe any penalty for the violation of such ordinances, rules, regulations, resolutions or by-laws, not exceeding fifty dollars for any one offense in violation or non-observance thereof; and may also provide that in default of payment of any judgment rendered for such violation or non-observance, the offender may be imprisoned for such term as they may, by such ordinance, by-law, rule, regulation or resolution direct, not exceeding thirty days; for which purpose the said village shall have the use of the jail of the county in which said village is situated, for the imprisonment of any person liable to be imprisoned, and

all such persons committed to said jail by the marshal or any other officer, shall be under the charge of the sheriff of said county; and every execution issued upon judgments for any violation of the provisions of this act, or for the violation or non-observance of any ordinance or by-law, rule, regulation or resolution of said village, shall contain a clause directing, in the event of the non-payment of the judgment, the imprisonment of the defendant in the said county jail, or the jail provided by said village, for such term as shall have been provided for by this act, or the ordinance, rule, regulation, resolution or by-law under which the judgment shall have been rendered, or in the discretion of the court, in the absence of such provision by this act, or by rule, regulation, resolution, by-law or ordinance. All fines, penalties and forfeitures, when collected, shall be paid into the treasury of said village for its use.

Body executions may issue on judgments.

SECTION 23. All actions brought to recover any penalty or sum of money or forfeiture under this act, or the ordinances, by-laws, or rules, regulations, resolutions, shall be brought in the corporate name of the village, without being required to give security for costs in any such action, and the process may be either by summons or warrant; and it shall be sufficient, without setting forth the special matter, to declare generally, stating the clause of this act, or by-law, ordinance, resolution, rule or regulation, under which the action is brought. The defendant may plead the general issue, and give the special matter in evidence, and a printed copy of an ordinance, by-law, rule, regulation of [or] resolution, published in a newspaper or pamphlet, by authority of the trustees, shall be *prima facie* evidence of the passage and publication of such ordinance, by-law, rule, regulation or resolution.

How actions to recover penalties to be brought.

SECTION 24. Any ordinance, regulation, resolution, rule or by-law imposing any penalty or forfeiture for the violation of its provisions, shall be published one week in some newspaper in the village, before the same shall be in force, except as hereinafter provided; and proof of such publication, by affidavit of the printer or foreman in the office of such newspaper, or by producing such newspaper containing such publication, shall be conclusive evidence of the publication and promulgation of such ordinance, regulation, resolution,

Publication of ordinances, &c.

rule or by-law, in all courts and places; and within ten days after such publication, they, with said affidavit, shall be recorded by the clerk of the village in books to be provided for that purpose, which record shall also be conclusive evidence of such publication and passage of such ordinance, rule, regulation, resolution or by-law, in all courts and places. No ordinance, rule, regulation, resolution, by-law or appropriation shall be passed, made, altered, amended or repealed without an affirmative vote of a majority of the president and trustees in its favor, which vote shall be taken by ayes and noes, and entered of record.

Ibid.

SECTION 25. All notices, ordinances, by-laws, rules, regulations, resolutions or other matter required by or under this act to be published in a newspaper, shall be published in a weekly newspaper published in said village, if there be one, and if no such paper shall be published in said village, then the same shall be published by posting up the same, either in writing or print, in three or more of the most public places in the said village. In all actions brought by or in the name of the said village, or against it, the said village shall have the same right of appeal, or to a writ of certiorari or of error, as individuals have, and in no case shall any judgment be rendered against said village for costs, but it shall be liable for costs to the same extent that the state is liable for costs in criminal cases, and no more; and no person shall be an incompetent judge, justice, witness or juror by reason of his being an inhabitant of said village, in any action or proceeding in which said village is a party or interested.

Appeals.

Suits to abate nuisances.

SECTION 26. The powers conferred upon the said president and trustees, to provide for the abatement or removal of nuisances, shall not bar or hinder suits, prosecutions or proceedings in the courts, according to law. Gambling houses, houses of ill-fame, disorderly taverns, and houses or places where intoxicating, alcoholic, malt, mixed, spirituous, vinous or fermented liquors are sold, without the license required therefor, houses or buildings of any kind wherein more than ten pounds of gunpowder are deposited, stored or kept at any one time, are hereby declared and shall be deemed public or common nuisances, and shall be abated as herein provided, and according to the laws of this state for abating nuisances.

SECTION 27. The police justice and the justices of the peace residing within the corporate limits of said village, shall have exclusive jurisdiction of all actions arising under this act, or the ordinances, by-laws, rules, resolutions or regulations passed in pursuance of this act, unless otherwise specially provided. Exclusive jurisdiction.

SECTION 28. The trustees shall have power to appoint and at their pleasure to remove the following officers, to wit: One chief engineer of the fire department, and a street commissioner, and prescribe their duties and fix their compensation under the provisions of this act, and to require bonds for the faithful performance of their duties, when deemed expedient and necessary by the trustees. Chief engineer fire department and street commissioner.

SECTION 29. When any suit or action shall be commenced against the said village, the service in such case may be made by leaving a copy of the process, duly certified to by the proper officer, with the president, and it shall be the duty of the president forthwith to inform the trustees thereof, or to take such other proceedings as by the ordinances or resolutions of said village may be in such case provided. Service of process against village.

SECTION 30. No real or personal property of the said village, or of any inhabitant of said village, or of any individual or corporation, shall be levided on and sold by virtue of any execution issued to satisfy or collect any debt, obligation or contract of said village. Real estate not to be levied on.

SECTION 31. The president and trustees, in case of laying out or widening any street, alley or public walk, shall pay to the owner or owners of any land or lots through which such street, alley or public walk so laid out or widened by them shall pass, adequate compensation for any damages which may be sustained in consequence. Damages for opening streets.

SECTION 32. Such damages shall be ascertained by six freehold electors of the said village, to be summoned by the police justice, upon the request of the president of said village for that purpose, as a jury, who shall determine the necessity thereof. They shall be selected by the said president and the party claiming damages, in the same manner as jurors before justices of the peace in civil cases are selected, and after being selected and summoned as aforesaid, they shall be sworn by some person having power to administer oaths, truly to ascertain upon actual view, first, the necessity thereof, and then such damages. They shall take into consid- How to be ascertained.

eration the benefit, if any, as well as the damage from the laying out or widening of such street, alley or public walk, to such party claiming damages; and the persons so selected, summoned and sworn, shall proceed to the discharge of their duty in the premises, and make report in writing over their several signatures, to said president, within twenty-four hours, which report shall be binding upon the corporation and the party claiming such damage.

Expenditure of highway taxes.

SECTION 33. All highway taxes assessed or payable on property or persons resident or being within said village, shall be assessed, collected and expended by the trustees of said village, or under their direction, on any and all the streets in said village, but not on any sidewalks therein; and no overseer of highways shall be elected by the town of Oconomowoc or Summit, or any highway taxes levied or assessed by either town, within the limits of said village, or have any jurisdiction or control over the streets or highways therein, except for the purpose of building and keeping in repair the bridges therein.

Payment of outstanding debts.

SECTION 34. The president and trustees shall have power, and it is hereby made their duty, in each year, to levy and assess upon the taxable property in said village, such a sum of money as taxes as shall be sufficient to pay and discharge the outstanding debt of the corporation, if any, and its expenses for the current year, after applying the money derived from other sources to such purposes, and no more.

How tax levied.

SECTION 35. All taxes raised and collected in the said village of Oconomowoc, for the purposes authorized by the last preceding section, shall be levied and assessed upon the same kinds of property, real and personal, within the corporate limits of the said village, as taxes for town, county and state purposes are levied and assessed.

Amount to be determined.

SECTION 36. The president and trustees of the said village shall, on or before the first Monday of November, in each year, by resolution to be entered on the records, determine the amount of such corporation tax to be levied and assessed on the taxable property within the corporate limits of the said village for the current year, and the clerk of the said village shall thereupon, on or before the third Monday of the same month of November, in each year, deliver to the town clerk of

the town in which said village is situated, a certified copy, under his hand and name and the corporate seal of the said village, of all resolutions of the said president and trustees, determining the amount of taxes to be levied and assessed for the current year, together with a description of the territory included within the corporate limits of the said village.

How assessed and collected.

SECTION 37. The town clerk or other proper officer, as the case may be, of the town in which said village is situated, shall assess, apportion and carry out such corporation taxes *pro rata*, according to the dollar valuation, upon all the real and personal property liable therefor, in a separate column in the tax and assessment roll and warrant of his town, next thereafter issued and delivered to the town treasurer of his town for collection, in the same manner as he shall assess, apportion and carry out town, county and state taxes; and if for any reason such corporation taxes shall not be assessed, apportioned and carried out in the next assessment and tax roll and warrant, as herein provided, it shall or may be assessed, apportioned, carried out and collected in that of any succeeding year. The said corporation taxes shall be in all respects collected or returned delinquent in the same manner as town, county and state taxes are collected by law, and when collected shall be paid over by every officer collecting or receiving the same to the treasurer of the said village. Any officer or other person who shall neglect or refuse on demand to pay over any such corporation taxes when collected or received by him, in any manner, to such village treasurer, shall be liable to an action therefor, with twenty-five per cent. damages to be added thereto, to be sued for and recovered in the corporate name of the said village, both against such defaulting officer or other person and his sureties.

Duty of town assessor.

SECTION 38. The town assessor of the town in which said village is situated, in assessing the taxable property in his town in each year, shall assess the taxable property, real and personal, within the corporate limits of the said village, in one continuous part of his assessment roll, and foot up the valuations of all the items of property assessed and valued by him within said limits.

Statement of election of officers to be filed with clerk of court.

SECTION 39. No general law contravening the provisions of this act, shall be considered as repealing,

amending or modifying the same, unless such purpose be expressly set forth in such law. It shall be the duty of the clerk of said village, immediately after an election under this act, to make out a statement of the persons elected as corporation officers, and of the persons appointed to the offices of clerk, constable and treasurer of the corporation, whenever an appointment of such officers is made, with the fact of the acceptance and qualification of such officers so elected or appointed, under his hand and corporate seal, and file the same in the office of the clerk of the circuit court of the county in which said village is situated; and it is hereby made the duty of the clerk of such circuit court to file the same, in the same manner as he files and preserves like certificates of the election and qualification of justices of the peace and other town officers. The police justice shall file a duplicate of his oath of office with the said clerk of the said circuit court.

First election.

SECTION 40. The first election of officers under this act shall be held on the second Monday of April, A. D. 1865, in case this act shall take effect on or previously to that day, and the official publication of this act shall be sufficient notice of such election; and in case this act shall not take effect on or previously to that day, or in case the said first election shall not be held on the second Monday of April, A. D. 1865, then the same may be ordered and appointed by any ten freehold voters, as provided in section five of this act.

Annual meeting of school districts.

SECTION 41. The annual meeting of the school districts in the said village of Oconomowoc, shall be held on the last Monday of August, in each year.

Public act.

SECTION 42. This act shall be considered a public act, and shall be construed favorably in all courts and places, and shall take effect and be in force from and after its passage and publication; and it is hereby made the duty of the secretary of state to cause this act to be published in the official state paper immediately after its passage.

Approved March 28, 1865.

CHAPTER 232.

[*Published April* 24, 1865.]

AN ACT to confer upon the Tomah and Lake St. Croix railroad company all the rights and privileges granted and conferred to the state of Wisconsin, by the acts of congress approved June 3d, 1856, and of May 5th, 1864.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Certain rights and privileges conferred on T. and L. St. C. R.R.

SECTION 1. That there be and is hereby granted to and upon the Tomah and Lake St. Croix railroad company, all and singular the rights, privileges and interest granted and conferred and bestowed to and upon the state of Wisconsin, by an act of congress approved May 5th, 1864, any and all the lands in said act of congress mentioned, granted and conferred to the state of Wisconsin, for the purpose of aiding in the construction of a railroad from the town of Tomah, in the county of Monroe, in said state, to the St. Croix river or lake, between townships 25 and 31, and also all the lands, rights and privileges heretofore granted by this state to and upon said company, to aid in building said railroad as above described, which were embraced in the act of congress ganting lands to the state of Wisconsin, approved June 3d, 1856, is hereby confirmed, and hereby conferring, granting under said railroad company the every right and privilege as to the extension of time for building said railroad, which is given to said state by said act of congress, and all and singular every other provision of said act of congress relative to said lands, in both of said grants herein referred to: *provided*, said grant is subject to the same conditions and restrictions which are imposed on said state by said acts of congress, respectively.

How far lands subject to taxation.

SECTION 2. And be it further enacted, that all other lands which said railroad company may so acquire under the said act of congress, approved May 5th, 1864, shall only be subject to the same mode, extent and rules of taxation as heretofore provided for by the laws of this state, by an act approved April 2d, 1864, as to lands which it might acquire under the said act of congress, entitled "an act granting a portion of the public lands to the state of Wisconsin, to aid in the construction of railroads," approved June 3d, 1856.

Repeal.

SECTION 3. All previous laws of this state contravening or militating against this act, are hereby repealed.

SECTION 4. This act shall take effect and be in force from and after its passage and publication.

Approved March 29, 1865.

CHAPTER 233.

[*Published April 20, 1865.*]

AN ACT to consolidate and amend an act to incorporate the city of Watertown, and the several acts amendatory thereof.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

City of Watertown.

SECTION 1. All that district of country contained within the limits and boundaries hereinafter described, shall be a city, by the name of Watertown, and the people now inhabiting and those who shall hereafter inhabit the district of country herein described, shall be a municipal corporation, by the name of the city of Watertown, and shall have the general powers possessed by municipal corporations at common law, and in addition thereto, shall possess the powers hereinafter specifically granted, and the authorities thereof shall have perpetual succession, shall be capable of contracting and being contracted with, of suing and been sued, pleading and being impleaded, in all courts of law and equity, and shall have a common seal, and may change and alter the same at pleasure.

Powers.

Boundaries.

SECTION 2. The territory included within the following limits and boundaries, shall constitute the city of Watertown, to wit: Sections three, four, five, eight, nine and ten, in township number eight north, of range number fifteen east, and sections thirty-two, thirty-three and thirty-four, in township number nine north, of range number fifteen east.

Wards.

First.

SECTION 3. The said city shall be divided into seven wards, as follows, to wit: All that portion of said district bounded on the north by the center of Main street and the Watertown and Milwaukee plank road, on the east by the city limits, on the south by the south line

of the Milwaukee and St. Paul railway, and on the west by the center of Rock river, shall be the first ward; all that portion of said district bounded on the north by the north line of said sections three and four, on the east by the city limits, on the south by the center of Main street and the Watertown and Milwaukee plankroad, and on the west by the center of Rock river, shall be the second ward; all that part of said district bounded on the north by the center of West avenue and the center of the Watertown and Portland plankroad, on the east by the center of said Rock river, and on the south and west by the city limits, shall be the third ward; all that part of said district bounded on the north by the north lines of said sections four and five, on the east by the center of said Rock river, on the south by the center of West avenue and the Watertown and Portland plankroad, and on the west by the center of the Watertown and Portland plankroad, shall be the fourth ward; the aforesaid section thirty-two and the west half of said section thirty-three, shall be the fifth ward; all of said section thirty-four, and the east half of the said section thirty-three, shall be the sixth ward; all that part of said district bounded on the north by the south line of the Milwaukee and St. Paul railway, on the east and south by the city limits, and on the west by the center of Rock river, shall be the seventh ward.

Second. Third. Fourth. Fifth. Sixth. Seventh.

SECTION 4. The corporate authority of said city shall be vested in one principal officer, styled the mayor, in one board of aldermen, consisting of two members from each ward, who, with the mayor, shall be denominated the common council, together with such other officers as are hereinafter mentioned or may be created under this act.

Corporate authority—how vested.

SECTION 5. The annual election for ward and city officers shall be held on the first Tuesday of April, of each year, at such place in each ward as the common council shall designate, and the polls shall be kept open from nine o'clock in the forenoon, till five in the afternoon; and ten days' previous notice shall be given by the common council of the time and place of holding such elections, and of the city and ward officers to be elected.

Annual election.

SECTION 6. The elective officers of said city shall be a mayor, treasurer and one or more assessors, as the

Elective officers.

common council shall determine, for the city at large; one justice of the peace for the first, second and seventh wards, one for the third and fourth wards, one for the fifth and one for the sixth wards; one constable and school commissioner and two aldermen for each ward. All other officers necessary for the proper management of the affairs of said city, shall be appointed by the common council, except the superintendent of schools, who shall be chosen by the board of education of said city. All elective officers, except justices of the peace, school commissioners and aldermen, shall, unless otherwise provided, hold their respective offices for one year, and until their successors are elected and qualified: *provided, however*, the common council shall have power, for due cause, to expel any one of their own members, and to remove from office any officer or agent under the city government, except justices of the peace, superintendent of schools and school commissioners, due notice being first given to the officer complained of, and opportunity to be heard in his defense. Justices of the peace, school commissioners and aldermen, shall hold their respective offices for two years, and until their successors are elected and qualified.

Appointed officers.

Terms of office.

Expulsions and removals.

Vacancies.

SECTION 7. In the event of a vacancy in the office of mayor, alderman or justice of the peace, by death, removal or other disability, the common council shall order a new election, and shall give five days' notice thereof. Any vacancy in other offices, except that of superintendent of schools, shall be filled by the common council. The person elected or appointed to fill a vacancy, shall hold his office and discharge the duties thereof for the unexpired term, with the same rights and subject to the same liabilities as his predecessor.

Elections.

SECTION 8. All elections by the people shall be by ballot, and a plurality of votes shall constitute an election. All elections by the common council may be *viva voce*. When two or more candidates for an elective office shall receive an equal number of votes for the same office, the election shall be determined by the casting of lots in the presence of the common council, at such time and in such manner as they may direct.

How elections conducted.

SECTION 9. The elections in said city shall be held and conducted by the aldermen and some elector to be

selected by them, of each ward, who shall be the inspectors of elections, and shall take the usual oaths or affirmations, as prescribed by the general laws of this state to be taken by the inspectors and judges of elections, and shall have power to appoint clerks of such elections, and to administer the necessary oaths. Said inspectors shall receive one dollar and fifty cents per day for their services, to be paid by the several wards.

Qualifications of electors.

SECTION 10. All persons entitled to vote for state or county officers, and who shall hav eresided in the city for ten days next preceding the election, and for one day within the ward wherein they offer to vote, shall be entitled to vote for any officer to be elected under this law, and to hold any office hereby created.

Challenge.

SECTION 11. If either of the inspectors of elections shall suspect that any person offering to vote does not possess the necessary qualification of an elector, or if such vote be challenged by an elector, the inspector, before receiving any such vote, shall require the person offering the same to take the following oath: "You do solemnly swear (or affirm, as the case may be,) that you are twenty-one years of age; that you are a citizen of the United States, or have declared your intentions to become a citizen, conformably to the laws of the United States, on the subject of naturalization; that you have resided within the state one year, within the city ten days, and within this ward one day next preceding this election, and that you have not voted at this election, and that you have made no bet or wager depending on the result of this election;" and if the person offering to vote shall take such oath, his vote shall be received, and if such person shall take such oath falsely, he shall be deemed guilty of willful and corrupt perjury, and upon conviction thereof, upon indictment, shall suffer the punishment provided by law for persons guilty of perjury. If any person who is not a qualified voter, shall willfully vote at any election, or if any person duly qualified, shall willfully vote in any other ward than the one in which he resides, or shall vote more than once at any election, he shall be liable to indictment, and on conviction thereof shall forfeit and pay a sum not exceeding one hundred dollars, nor less than twenty-five dollars. It shall be the duty of the inspectors to keep a list of the names of all persons whose vote may be challenged as aforesaid, and shall swear in their vote;

Oath.

Illegal voting.

and if any inspector shall knowingly and corruptly receive the vote of any person not authorized to vote, or shall make out false returns of any election, or any clerk shall not write down the name of every voter as he votes, or shall willfully make untrue and incorrect count and tallies of votes, each and every such inspector or clerk shall be liable to indictment, and on conviction thereof shall severally forfeit and pay a sum not exceeding five hundred dollars, nor less than one hundred dollars.

Special elections.

SECTION 12. Special elections to fill vacancies, or for any other purpose, shall be held and conducted by the inspectors, as provided by this act, and returns thereof shall be made in the same time, form and manner as of general or annual elections.

Aldermen elected at first election.

SECTION 13. There shall be elected at the first election under this act, and annually thereafter, one alderman in each ward, who shall hold his office for two years.

When officer deemed vacated.

SECTION 14. Any officer removing from the city, and any ward officer removing from the ward for which he was elected, and any officer who shall neglect or refuse to qualify on or before the second Monday in April next after his election, shall be deemed to have vacated his office, and the common council shall proceed to fill such vacancy, as herein provided. All officers appointed or elected to fill any vacancy, shall enter upon the duties of such office, immediately after receiving notice of such election or appointment, when qualified.

Return and canvass of votes.

SECTION 15. The inspectors of elections of the several wards of said city, shall make return of all votes polled in their respective wards at any election for city or ward officers, to the clerk of said city; and it shall be the duty of said clerk, at the first meeting of the common council of said city, held thereafter, to open and read, in the presence of said council, all returns so made to him; and said council shall thereupon proceed to canvass the votes so returned, and determine and declare the result of such election; and said clerk shall make out and deliver to each and every person so determined by said council to have been elected to any city or ward office, a certificate of such election, duly certified under his hand and the seal of said city.

CHAPTER II.

OFFICERS—THEIR POWERS AND DUTIES.

SECTION 1. Every person elected or appointed to fill any office under this act, shall, before he enters upon the duties of his office, take and subscribe an oath of office, and file the same, duly certified by the officer administering the same, with the city clerk; and the treasurer, marshal, constables and justices of the peace, and such other officers as the common council may direct, shall severally, before they enter upon the duties of their respective offices, execute to the city of Watertown a bond, in such sum and with such surety and such conditions as the common council may direct, and the common council may from time to time require new or additional bonds, and remove from office any officer refusing or neglecting to give the same. Oaths and bonds of officers.

SECTION 2. The mayor, when present, shall preside over the meetings of the common council, and shall take care that the laws of the state and the ordinances of the city within the corporation, are duly enforced and observed, and that all officers of the city discharge their respective duties. He shall appoint the police force in such numbers as the common council shall direct, and in case of a riot or disturbance of the peace, shall appoint temporary police. He shall communicate in writing to the common council once a year, such information as he may deem necessary, and at all times give such information as the common council may require. He shall have a vote in case of a tie only, and he shall have power to administer oaths for general purposes, and to take and certify the acknowledgment of deeds and other instruments in writing. Mayor—his powers and duties.

SECTION 3. At the first meeting of the common council in each year, or as soon thereafter as may be, they shall proceed to elect by ballot one of their number president; and in the absence of the mayor, the said president shall preside over the meetings of the common council, and during the absence of the mayor from the city, or his inability from any cause to discharge the duties of his office, the president shall execute all the powers and discharge all the duties of mayor. In case the mayor and the president shall be absent from any meeting of the common council, they shall proceed to elect a temporary presiding officer, who, for the time President—his powers and duties.

being, shall discharge the duties of mayor. The president or temporary presiding officer while presiding over the council or performing the duties of mayor, shall be styled acting mayor, and acts performed by them shall have the same force and validity as if performed by the mayor.

Clerk—his duties.

SECTION 4. The common council shall elect a city clerk. He shall keep the corporate seal and all the papers and records of the city. He shall attend the meetings and keep a record of the proceedings of the common council. The record of the common council kept by him, shall be evidence on all legal proceedings, and copies of all papers filed in his office, and transcripts from the records certified by him under the corporate seal, shall be evidence in all courts, in like manner as if the original were produced. He shall keep a full and accurate account of all orders drawn on the city treasury in a book provided for that purpose, and shall also keep an accurate account with the treasurer, and charge him with all tax lists delivered to him for collection, and all sums of money paid into the treasury. Whenever the clerk shall be absent from any meeting, the city council may appoint a clerk *pro tem.* The city clerk shall have power and authority to administer oaths and affirmations.

City attorney.

SECTION 5. The city attorney shall perform all professional services incident to the office, as prescribed by ordinances, and when required, shall furnish written opinions to the common council or its committees.

Treasurer—his duties.

SECTION 6. The treasurer shall receive all moneys belonging to the city, and keep an accurate and detailed account thereof, together with an account of all disbursements, in such manner as the common council shall direct. He shall report to the common council as often as required, and annually, at least ten days before the annual election, a full and detailed account of all receipts and expenditures after the date of the last annual report, and also of the state of the treasury, which statement shall be filed with the clerk.

Marshal—his powers, duties and fees.

SECTION 7. The city marshal shall be appointed by the common council, and shall hold his office during their pleasure. In addition to his duties herein prescribed, he shall perform such other duties and execute such orders as the common council shall direct. He shall possess the powers of constable at common law, or by the

laws of this state, coextensive with the counties of Jefferson and Dodge, be subject to the same liability, and receive like fees. It shall be his duty to execute and return all writs and processes to him directed, and when necessary in criminal cases, or for the violation of any ordinance of said city, or laws of the state, may pursue and serve the same in any part of the state of Wisconsin. It shall be his duty to suppress all riots, disturbances and breaches of the peace, to apprehend any person in the act of committing any offense against any ordinance of said city or laws of this state, and forthwith bring such person before competent authority for examination; and for such services he shall receive such fees as are allowed to constables for like services. He shall appoint one or more deputies, to be approved by the city council, but for whose official acts he shall be responsible, and of whom he may require a bond for the faithful discharge of their duties; and in case he shall neglect or refuse, within ten days after entering upon the duties of his office, to appoint such deputy or deputies, then the common council shall have power to appoint such deputy or deputies, who shall give a bond to the city, with one or more sureties, in such sum as it may prescribe, for the faithful discharge of his duties; and no marshal shall hold any other city or county office, either by election or appointment.

Further duties may be required of officers.

SECTION 8. The common council shall have power from time to time, to require other and further duties to be performed by any officer whose duties are herein prescribed, and to appoint such other officers as may be necessary to carry into effect the provisions of this act, and to prescribe their duties, and to fix the compensation of all officers elected or appointed by them. Such compensation shall be fixed by resolution at the time the office is created, or at the commencement of the year, and shall not be increased or diminished during the term such officer shall remain in office.

City printing.

SECTON 9. The common council shall annually provide that all printing authorized and required by them to be done for their use, or for the city, shall be let by contract to the lowest responsible bidder, for the term of one year: *provided*, no bid therefor shall be considered, unless the same shall be lower than the rates of

legal advertising, as fixed by law; and in case no such bid is made, the common council is hereby empowered to provide for such printing in such manner as they may think proper. All ordinances and other proceedings required by this act or by the by-laws or ordinances of the common council to be published, shall be published in the newspaper selected under the provisions of this section, and the printer of said newspaper shall, either in person or by his foreman, file with the clerk of the city his or their affidavits of the length of time said ordinance, by-law or proceeding has been published, and such affidavit shall be conclusive evidence of the publication of such notice, ordinance, proceeding or by-law.

Penalty for not delivering books, &c. to successor.

SECTION 10. If any person, having been an officer in said city, shall not, within ten days after notification and request, deliver to his successor in office all property, moneys, books, papers and effects of every description in his possession, belonging to said city or pertaining to the office he may have held, he shall forfeit and pay to the use of the city one hundred dollars, besides all damages caused by his neglect or refusal so to deliver, and such successor may recover the possession of such books, papers and effects in the manner prescribed by the laws of this state.

Peace officers.

SECTION 11. The mayor, sheriff of Jefferson county, each and every alderman, justice of the peace, marshal, deputy marshal, constable and watchman, shall be officers of the peace, and shall suppress in a summary manner all rioting and disorderly behavior within the limits of the city, and for such purpose may command the assistance of all bystanders, and if need be, of all citizens and military companies; and if any person, bystander, military officer or private, shall refuse to aid in maintaining the peace when so required, every such person shall forfeit and pay a fine of fifty dollars; and in case when the civil power may be required to suppress r ots or disorderly behavior, the superior or senior officer present in the order mentioned in this section, shall direct the proceeding.

Surveyor.

SECTION 12. The common council may elect a city surveyor, who shall be a practical surveyor and engineer. He shall keep his office at some convenient place within said city, and the common council shall prescribe his duties, and fix the fees and compensation for any service performed by him. All surveys, pro-

files, plans or estimates made by him for the city, shall be the property of the city, and shall be carefully preserved in the office of the surveyor, open to the inspection of the parties interested, and the same, together with all books and papers appertaining to said office, shall be delivered over by the surveyor, at the expiration of his term of office, to his successor or the common council.

SECTION 13. The common council shall have power to elect a city attorney and comptroller, and to prescribe their duties and fix their compensation. City attorney.

CHAPTER III.

THE COMMON COUNCIL—ITS GENERAL POWERS AND DUTIES.

SECTION 1. The mayor and aldermen shall constitute the common council, and the style of all ordinances shall be, "the common council of the city of Watertown do ordain," etc. The common council shall meet at such time and place as they by resolution shall direct. A majority of the aldermen shall constitute a quorum. Style of ordinances—quorum.

SECTION 2. The common council shall hold stated meetings, and the mayor may call special meetings, by notice to each of the members, to be served personally, or left at their usual places of abode. The common council shall determine the rule of its own proceedings, and be the judge of the election and qualification of its own members, and have power to compel the attendance of absent members. Meetings of council.

SECTION 3. The common council shall have the management and control of the finances and of all the property of the city, and shall likewise, in addition to the powers herein vested in them, have full power to make, enact, ordain, establish, publish, enforce, alter, modify, amend and repeal all such ordinances, rules and by-laws for the government and good order of the city, for the suppression of vice and immorality, for the prevention of crime, and for the benefit of trade, commerce and health, as they may deem expedient, declaring and imposing penalties, and to enfore the same against any person or persons who may violate any of the provisions of such ordinance, rule or by-law, and such ordinances, rules or by-laws are hereby declared to be and to have the force of law: *provided*, they be Powers of council.

not repugnant to the constitution and laws of the United States or of this state; and for these purposes shall have authority by ordinances, resolutions or by-laws:

Licenses.

1st. To license and regulate the exhibition of common showmen, or shows of any kind, or the exhibition of caravans, circuses or theatrical performances, billiard tables, bowling saloons; and to provide for the abatement and removal of all nuisances under the ordinances or at common law; and to grant licenses for selling spirituous, vinous or fermented liquors, and to regulate groceries, taverns, victualing houses, and all persons vending or dealing in spirituous, vinous or fermented liquors, and to revoke the same for a violation thereof: *provided*, that the sum to be paid for any such license shall not be less than the amount fixed and provided by the laws of this state, and that all licenses, except for exhibitions, shall be issued for one year, and shall expire on the first Monday of May, except in special cases the council may issue the same for a fractional portion of a year, to expire on that day; *and provided, further*, that no person thus licensed shall sell or give away spirituous, fermented or vinous liquors on Sunday or election days; and all moneys derived from licenses shall be paid into and constitute a part of the city general fund.

Liquor not to be sold on election days or Sundays.

Gaming.

2d. To restrain and prohibit all descriptions of gaming and fraudulent devices and practices, and all playing of cards, dice or other games of chance, for the purpose of gaming in said city; and to restrain any person from vending, giving or dealing in spirituous or vinous liquors, unless licensed by said council.

Riots.

3d. To prevent any riots, noise, disturbance or disorderly assemblage, suppress and restrain disorderly houses or groceries, and houses of ill-fame, and to authorize the destruction of all instruments used for purposes of gaming.

Abate nuisances.

4th. To compel the owner or occupant of any grocery, cellar, tallow-chandler shop, soap factory, tannery, stable, barn, privy, sewer, or other unwholesome, nauseous house or place, to cleanse, remove or abate the same from time to time, as often as it may be deemed necessary for the health, comfort and convenience of the inhabitants of said city.

r houses

5th. To direct the location and management of slaughter-houses and markets, and to prevent the erec-

tion, use or occupation of the same, when the offal or filth therefrom shall discharge into the waters of Rock river, and to establish rates for and license venders of gunpowder, and regulate the storage, keeping and conveying of the same, or other combustible materials.

Encumbering streets, &c.

6th. To prevent the encumbering of the streets, sidewalks, lanes and alleys with carriages, sleighs, boxes, lumber, firewood, signs, or other materials or substances whatever.

Horse racing and trotting.

7th. To prevent horse-racing, immoderate riding or driving in the streets, and to regulate the places of bathing and swimming in the waters within the limits of said city.

Restraining cattle, &c.

8th. To restrain the running at large of horses, cattle, swine, sheep, poultry and geese, and to authorize the distraining, impounding and sale of the same.

Dogs.

9th. To prevent the running at large of dogs, and to authorize the destruction of the same in a summary manner, when at large contrary to the ordinance.

Removal of unwholesome substances.

10th. To prevent persons from bringing, depositing or having within said city, or placing in Rock river, in said city, any putrid carcass or other unwholesome substance, and to require the removal of the same by any person who shall have upon his premises any such substance, or putrid or unsound beef, pork, fish, hides or skins, of any kind, or on default, to authorize the removal thereof by some competent officer, at the expense of such person or persons.

Pounds, pumps, &c.

11th. To make and establish public pounds, pumps, wells, cisterns and reservoirs, and to provide for the erection of waterworks for the supply of water to the inhabitants of the city; to regulate and license hacks, cabs, drays, carts, and the charges of hackmen, cabmen, draymen and cartmen in the city, and to erect lamps, and to provide for lighting the streets, public grounds and public buildings with gas or otherwise.

Boards of health.

12th. To establish and regulate boards of health, provide for hospital and cemetery grounds, regulate the burial of the dead and the return of the bills of mortality, and to exempt burial grounds set apart for public use, from taxation.

Bread.

13th. To establish the assize and weight of bread, and to provide for the seizure and forfeiture of bread baked contrary thereto.

Driving on sidewalks.

14th. To prevent all persons riding or driving any

horse, ox, mule, cattle or other animal on the sidewalks in said city, or in any way doing any damage to said sidewalks.

Shooting firearms, &c.

15th. To prevent the shooting of firearms or firecrackers, and to prevent the exhibition of fireworks in any situation which may be considered by the council dangerous to the city or any property therein, or annoying to the citizens thereof.

Drunkenness.

16th. To restrain drunkards, immoderate drinking or obscenity in the streets or public places, and to provide for arresting, removing or punishing any person or persons guilty of the same.

Runners.

17th. To restrain and regulate runners and solicitors for stages, cars, public houses and other establishments.

Police.

18th. To make rules and ordinances for the government and regulation of the police of the city.

Markets.

19th. To establish public markets, and make rules and regulations for the government of the same, to appoint suitable officers for overseeing and regulating such markets, and to punish or restrain for interrupting or interfering with the due observance of such rules and regulations; to license and regulate butchers' stalls, shops and stands for the sale of game, poultry, meats, fish and other provisions.

Hay and fuel.

20th. To regulate the place and manner of weighing and selling hay, and measuring and selling of fuel, lime and other gross commodities, and to appoint suitable persons to superintend and conduct the same.

Removal of snow dirt, &c.

21st. To compel the owners of buildings or grounds, or the occupants, when the same are occupied, to remove snow, dirt or rubbish from sidewalks, street or alley opposite thereto, and to compel such owner or occupant to remove from the lots owned or occupied by him, all such substances as the board of health shall direct, and in default, to authorize the removal or destruction of the objectionable substance by some officer of the city, at the expense of such owner or occupant.

Contagious diseases.

22d. To prevent, regulate and control the landing of persons from cars and stages, wherein are contagious or infectious diseases or disorders, and to make such disposition of such peasons as to preserve the health of the city.

Auctions.

23d. To regulate the time, place and manner of holding public auctions and vendues.

24th. To appoint watchmen, and prescribe their duties. Watchmen.

25th. To provide by ordinance for a standard of weights and measures, and for the punishment of false weights and measures. Weights and measures.

26th. The common council shall have power to require the owners of any lots or grounds in the city to set out ornamental trees in the street or streets fronting the same, and in default thereof, to cause the same to be done, and to lay a special tax upon such lots or grounds to pay the expenses of the same. Shade trees.

SECTION 4. All that part of Rock river within the boundaries of said city, shall be under the exclusive jurisdiction of the said city and its council, and all bridges over the said river, within the limits aforesaid, shall be under its jurisdiction, and the mayor and council of said city are fully empowered to build bridges over said river, remove obstructions and filth, and cause the said river to be kept as clean and as pure as possible; and the said common council shall have power to prevent the erection of buildings or structures of any kind in or upon said river, and to prevent the repairing of any building or structure of any kind now erected in and upon said river, within the limits of said city. Jurisdiction of river and bridges.

SECTION 5. All laws, ordinances, regulations, resolutions and by-laws, shall be passed by an affirmative vote of a majority of the common council, and such laws, ordinances and regulations shall be signed by the mayor, and shall be published in a paper or papers to be selected by the council, printed in said city, before the same shall be in force, and within fifteen days thereafter, they shall be recorded by the city clerk, in books to be provided for that purpose; but before any of the said laws, ordinances or regulations shall be recorded, the publication thereof, respectively, within the same time, shall be proved by the affidavit of the foreman or publisher of such newspaper, and said affidavit shall be recorded therewith, and at all times shall be deemed and taken as sufficient evidence of the time and manner of such publication. Publication of laws, ordinances, &c.

SECTION 6. The powers conferred upon the said council to provide for the abatement or removal of nuisances, shall not bar or hinder suits, prosecutions or proceedings in the courts, according to law. Gambling houses, houses of ill-fame, disorderly taverns, and Nuisances.

houses or places where spirituous, vinous or fermented liquors are sold without the licenses required thereof, houses or buildings of any kind wherein more than ten pounds of gunpowder are deposited, stored or kept at any one time, are hereby declared and shall be deemed public or common nuisances.

Council to audit accounts.

SECTION 7. The common council shall examine, audit and adjust the accounts of the clerk, treasurer, street commissioners of each ward, marshal, and all other officers and agents of the city, at such time as they may deem proper, and also at the end of each year, and before the term for which the officers of said city are elected or appointed, shall have expired. And the common council shall require each and every such officer and agent to exhibit his books, accounts and vouchers for such examination and settlement; and if any such officer or agent shall refuse to comply with the orders of the council in the discharge of his said duties, in pursuance of this section, or shall neglect or refuse to render his accounts, or present his books and vouchers to said council, it shall be the duty of the common council to declare the office of such person vacant; and the common council shall order suits and proceedings at law against any officer or agent of said city who may be delinquent or default in his accounts, or in the discharge of his official duties, and shall make a full record of all such settlements and adjustments.

CHAPTER IV.

OPENING OF STREETS, ETC.

Laying out of public squares, streets, &c.

SECTION 1. The common council shall have power to lay out public squares, grounds, streets and alleys, and to widen the same, as follows: Whenever ten or more freeholders residing in any ward, shall, by petition, represent to the common council that it is necessary to take certain lands within the ward where such petitioners may reside, for the public use, for the purpose of laying out public squares, grounds, streets or alleys, or the enlargement or widening the same, the courses and distances, routes and bounds of the land proposed to be taken, together with the names and residences of the owners of such premises, if the same shall be known to the petitioners, to be set forth in such petition, the common council shall thereupon cause notice of such

application to be given to the occupant or occupants of such land, if any there be, or if a portion of such lands shall not be in actual occupation of any person, then the common council shall cause such notice, describing as near as may be the premises proposed to be taken, to be published in the official paper for four weeks, at least once in each week.

Application for jurors to view premises.

SECTION 2. Such notice shall state that on a certain day therein to be named, not less than ten days from the service of such notice or the expiration of such publication, as the case may be, application will be made to the judge of the circuit or county court of Jefferson county, for the appointment of six jurors to view said premises, and to determine whether it will be necessary to take the same for the purpose specified in said petition.

Precept of judge.

SECTION 3. Upon the presentation of such application, and upon proof of the publication or service of the notice hereinbefore required, the said judge shall thereupon appoint six reputable freeholders, residents of the city, but not residents of the ward in which such premises may be, nor interested in the result of such application. The said judge shall thereupon issue his precept, directed to said jurors, requiring them, within thirty days, to view said premises, to be specified in said precept, and to make return under their hands to the common council, whether in their judgment it is necessary to take said premises for the purpose specified in said application.

Vacancies.

SECTION 4. If any of the jurors so appointed shall be disqualified from acting, or shall refuse to act, the judge shall appoint others in their places, and a memorandum of such substitution shall be indorsed on the precept.

Jurors to view premises.

SECTION 5. The said jurors, before entering upon the discharge of their duties, shall severally take an oath before some competent officer, that they are freeholders of said city, and not interested in the premises proposed to be taken, and that they will faithfully and impartially discharge the trust reposed in them; and shall, at such times as they may agree upon, proceed in a body to view the premises in question, and shall hear such testimony as may be offered by any party interested, which testimony shall be reduced to writing by one of the jury; and either of the jurors shall be authorized to administer the necessary oaths to witnesses.

Report.

SECTION 6. After viewing the premises and hearing such testimony as may be offered, the jurors shall make a report of their proceedings, which shall be signed by them separately, and which shall state whether in their judgment it is necessary to take the premises in question for public use, which said report, testimony and precept shall be returned to the common council, within the time limited therein.

Council to confirm report.

SECTION 7. Should the jurors determine that it is necessary to take such premises, they shall thereupon ascertain and determine the amount of damages to be paid to the owner or owners of the property proposed to be taken, and also what lands or premises will be benefited by such taking, and shall assess and return within the time limited, such damages and benefits to the common council; and said common council shall thereupon enter an order among their proceedings, confirming said report.

Where there are buildings on lands.

SECTION 8. If there should be any building standing, in whole or in part, upon the lands to be taken, the jurors, before proceeding to make their assessment, shall first estimate and determine the whole value of such building to the owner, aside from the value of the land, and the injury to him in having such building taken from him, and severally [secondly,] the value of such building to him to remove.

Notice of determination to be given to owners.

SECTION 9. At least ten days' personal notice of such determination shall be given to the owner or his agent, if known, and a resident of the city, or left at his usual place of abode. If not known, or a non-resident, notice to all persons interested shall be given by publication in the official paper, three successive weeks. Such notice shall specify the building, and the award of the jurors. It shall also require the parties interested to appear by a day therein named, or give notice of their election to the common council, either to accept the award of the jurors, and allow such building to be taken, with the land appraised, or of their intention to remove such building, at the value set thereon by the jurors to remove. If the owner shall agree to remove such building, he shall have such time for the purpose as the common council may allow.

ale of building.

SECTION 10. If the owner refuse to take the building, at the value to remove, or fail to give notice of his election as aforesaid, within the time prescribed, the

common council shall have power to direct the sale of such building at public auction, for cash, giving ten days' notice of such sale. The proceeds shall be paid to the owner, or deposited to his use.

Jurors to view premises and hear testimony.

SECTION 11. The said jurors, within the time limited, shall view and examine the premises proposed to be taken, and all such other premises as will in their judgment be injured or benefited thereby. After hearing such testimony as may be offered by any party interested, and which shall be reduced to writing by one of said jurors, they shall proceed to make their assessment, and to determine and appraise to the owner or owners the value of the real estate so proposed to be taken, and the injury arising to them, respectively, in consequence of the taking thereof, which shall be awarded to such owners, respectively, as damages, after making due allowance therefrom for any benefit which said owners may, respectively, derive from such improvement. In the estimate of damages to the lands, the jurors shall include the value of the building or buildings (of [if] the property of the owner of said land,) as estimated by them as aforesaid, less the proceeds of the sale thereof; or if taken by the same at the value to remove, in such case they shall only include the difference between such value and the whole estimated value of such building or buildings.

Jurors to strike a balance.

SECTION 12. If the lands and building belong to different persons, or if the land be subject to lease, judgment or mortgage, or if there be any estate in it less than an estate in fee, the injury done to such person or interests, respectively, may be awarded to them by the jurors, less the benefits resulting to them, respectively, from the proposed improvement.

Award of jurors.

SECTION 13. Having ascertained the damages and expenses of the proposed improvement as aforesaid, the jurors shall thereupon apportion and assess the same, together with the costs of the proceedings, upon the real estate by them deemed benefited, to the extent of the benefits resulting thereto from the proposed improvement, as nearly as may be, and shall describe the real estate upon which the assessment may be made. The award of the said jurors shall be signed by them and returned, together with the testimony taken, to the common council, within the time limited in the precept of the judge appointing them.

Lands not to be taken until paid for.

SECTION 14. The land required to be taken for the purposes mentioned in this act, shall not be appropriated until the damages awarded therefor to the owner thereof, shall be paid or is tendered to the owner or his agent, or in case the said owner or agent cannot be found, or is unknown, deposited to his or their credit, in some safe place of deposit; and then and not before, such lands may be taken and appropriated for the purposes required, and the same shall thereafter be subject to all laws and ordinances of the city, in the same manner as streets, alleys and public grounds heretofore opened and laid out.

In certain cases contracts, &c. to be void.

SECTION 15. When the whole of any lot or tract or land or other premises under lease or under contract, shall be taken by virtue of this act, all the covenants, contracts or engagements between landlord and tenant, or any other contracting parties, touching the same or any part thereof, shall upon the confirmation of such report, respectively cease and be absolutely discharged.

When contract to remain in force.

SECTION 16. When only part of a lot or tract of land, or other premises, so under lease or other contract, shall be taken for any of the purposes aforesaid, all the covenants, contracts or agreements respecting the same, upon the confirmation of such report, shall be absolutely discharged as to the part so taken, but shall remain valid as to the residue thereof, and the rents, considerations and payments reserved, payable and to be paid for or in respect to the same, shall be proportioned so that the part thereof justly and equitably payable for such residue thereof, and no more, shall be paid or recoverable.

When damages to be paid.

SECTION 17. The damages assessed shall be paid or tendered or deposited as herein required, within six months from the confirmation of such assessment and report, and if not so paid, tendered or deposited, all the proceedings in any such case shall be void. The benefits so assessed from the confirmation of said report shall become and remain a lien upon the premises so determined by the jurors to be benefited by the opening or widening of such street, alley or public ground.

When guardian may be appointed.

SECTION 18. When any known owner of the lands or tenements affected by any proceedings under this act, shall be an infant or labor under legal disability, the judge of the circuit or county court of Jefferson

county, or the judge of any court of record in said county, may, upon the application of the common council, or such party or his next friend, appoint a guardian for such party, and all notices required by this act shall be served upon such guardian.

SECTION 19. Any person whose property is taken, or against whom an assessment is made, may within ten days from the return of the jurors to the common council, appeal from said assessments of damages or benefits, to the circuit court of Jefferson county, where such appeal shall be tried by the court and jury, as in ordinary cases. The common council shall have the same right of appeal. Appeal.

SECTION 20. Whenever any public ground, street or alley shall be laid out, widened or enlarged, under the provisions of this chapter, the common council shall cause an accurate survey and profile thereof to be made and filed in the office of the city surveyor. Survey of streets, &c.

SECTION 21. The common council shall have power to lay out a highway, street or alley by ordinance, without a jury being called or notice given: *provided*, all the owners of the land taken for such highway, street or alley shall, in writing, consent thereto. When streets, &c. may be laid out without a jury being called.

VACATING STREETS, ETC.

SECTION 22. The common council shall have power to alter or vacate any plot or part thereof within said city, on application in writing of any owner or owners of such plot or part thereof. Vacation of plats

SECTION 23. Before the common council shall hear any application to altar or vacate any plot or part thereof, the applicant shall cause notice thereof to be published in some newspaper printed in said city, for six successive weeks, once in each week; and in case any person be living upon any portion of said plot proposed to be altered or vacated, a copy of such notice, at least ten days before such application is made, shall be served personally on such person, or left at his or her dwelling house. Such notice shall state when such application will be made, and what portion of such plot it is proposed to have altered or vacated. Notice of vacation—how given.

SECTION 24. The order of the common council altering or vacating any plot or part thereof, shall be recorded in the office of the register of deeds of the proper county, before the same shall take effect. Vacating ordinances to be published.

Title to streets vacated.

SECTION 25. The title to any street or part of street that may be vacated, shall vest in the owner or owners of the lot or lots abbutting thereon, to each, from the line of his lot to the center of the street.

Vacation of streets, &c.

SECTION 26. Upon the application of six freeholders of said city, the common council shall have power and are hereby authorized to alter or vacate such highways, streets and alleys within the corporate limits of said city, as in their opinion are of no public utility. At least ten days before such application shall be heard, a notice thereof shall be posted up in three public places in the ward where such highway, street or alley proposed to be altered or vacated is located, and a copy of such notice shall be personally served on the occupants of the land through or adjoining which that portion of the highway, street or alley runs, proposed to be altered or vacated, or a copy of such notice shall be left at the usual places of abode of such occupants. Such notice shall state when such application will be made, and give a brief description of the highway, street or alley proposed to be altered or vacated.

How notice to be given.

Appeal.

SECTION 27. Any person deeming himself aggrieved by any order of the common council made under the provisions of this act, may, within thirty days after the making of such order, appeal therefrom, and apply to a justice of the peace of said city for the appointment of commissioners, to whom an appeal from such order of the common council may be taken.

Notice of appeal, bond, commissioners, &c.

SECTION 28. Every application for such appeal shall be made in writing to such justice, and shall briefly state the grounds of the appeal; and upon the filing of such application, and a bond executed to the city, with sufficient sureties, to be approved by the justice, conditioned to pay all costs arising from such appeal, provided the order of the common council shall not be reversed, such justice shall issue a notice specifying therein a time and place for the appointment of commissioners, which notice shall be served on the mayor at least six days before such time; and at the time and place appointed, the justice shall make a list of eighteen disinterested freeholders of said city. Each party may object to six on such list, and in case either party shall be absent, the justice shall strike off the names for the absent party, and out of the number not struck off, he shall, by lot, select of three for such commissioners.

SECTION 29. The justice shall then annex to the application a warrant, under his hand, appointing a time and place for the meeting of such commissioners, and issue the same to the persons so appointed, directing them to view and examine the premises described in the application and the order of the common council, and to make return of their decision thereon to him, within ten days after the date of the warrant; and before proceeding to make such view and examination, they shall be duly sworn justly and impartially to discharge their duties as such commissioners. Decision of commissioners, &c.

SECTION 30. The decision of such commissioners shall be reduced to writing, and signed by them, and filed with the city clerk; and if the order of the common council shall be affirmed by the commissioners, the party appealing shall pay the expenses of the proceedings had in the matter; but if such order shall be reversed, then the expense shall be a charge and be audited and collected as any other claim against said city. Each commissioner shall be entitled to one dollar a day for his services, and the justice shall be entitled to one dollar for his fees. Decision to be filed. When city liable for expenses. Fees of commissioners.

CHAPTER V.

FINANCES AND TAXATION.

SECTION 1. In all appropriations of money by the common council, the ayes and noes shall be taken and recorded on the journal. All funds in the treasury except school, state and county funds, shall be under the control of the common council, and shall be drawn out upon the order of the mayor and clerk, duly authorized by a vote of the common council, and all orders drawn upon the treasurer shall specify the purpose for which they were drawn, and shall be payable generally out of any funds belonging to the city, and all such orders shall be received in payment of any tax or assessment levied by authority of the city. All orders shall be payable to the order of the person in whose favor they may be drawn, and shall be transferable by indorement. Appropriations. Control of funds.

SECTION 2. The common council shall annually levy upon the property liable to taxation in each ward, a tax not exceeding one-half of one per cent. per annum, to defray the current expenses of such ward; and the tax annually levied for city general purposes, and to defray Tax for current expenses—limit.

the expenses of the city general fund, shall not exceed one-fourth of one per cent. per annum.

Ward debts.

SECTION 3. The alderman of any ward shall certify to the council any debts contracted by such ward for the current year, and thereupon the said council shall (if such debt be a proper claim against such ward) allow such debt, and direct the mayor and clerk to issue to the proper person orders of the city to the amount of the debt allowed: *provided*, the said council shall in no case allow any such debt, if such allowance will cause the whole amount of orders so issued to meet the indebtedness of such ward, to exceed the amount of tax which may be levied and collected under the provisions of this chapter to meet the expenses of the current year, assuming as a basis the tax list of such year, if then made out, and if not, then the tax list of the preceding year.

Proviso.

Debts not to be contracted beyond a limited amount.

SECTION 4. No alderman of any ward shall contract debts against any such ward in any one year to an amount greater than the tax which, under the provisions of this chapter, may be levied in said ward to meet the current expenses of the year; and if the alderman shall so contract debts to a greater amount than such tax, neither such ward nor the city shall be liable for the same, but the alderman so contracting shall be liable therefor, as if the debt had originally been contracted by such alderman personally: *provided*, that no alderman shall be held liable as aforesaid, without proof of his assent, as alderman, to the contracting of the liability or debt by the ward. The common council shall not, in the appropriations made in any one year, exceed the revenues of that same year, nor shall they issue any orders, certificates, bonds or other evidences of debt not authorized by law, or in any other manner create a floating debt against said city, beyond the annual revenue thereof.

Penalty.

CHAPTER VI.

CITY IMPROVEMENTS.

Aldermen to be street commissioners.

SECTION 1. The aldermen of the several wards shall be street commissioners in and for their respective wards, who shall keep a record of all their acts and doings, and shall keep and preserve all contracts, receipts and papers of the board. The several boards of street commissioners shall make report in detail to the com-

mon council of their acts and doings, whenever required; and at the expiration of each year, and before their terms of office shall expire, shall submit all their acts and doings, books, records, papers, accounts and vouchers to the common council, for final settlement and adjustment.

SECTION 2. Any person deeming himself aggrieved by an act of the board of street commissioners, may at any time appeal to the common council, who shall inquire into, examine and correct the act or order complained of, as shall seem just and proper, and the further action of the board in this respect shall be regulated accordingly. Appeal.

SECTION 3. It shall be the duty of the street commissioners to see that all ordinances of the city relating to the obstruction and cleaning of sidewalks, streets, alleys, public grounds, reservoirs, sewers, gutters and water-courses within their respective wards, are duly observed and kept, and direct and control the persons employed therein. The street commissioners shall have a general supervision over all works let by contract for the improvement of streets or sidewalks in their respective wards, unless the common council shall otherwise provide, and all sidewalks shall be constructed upon the proper or established grade of any street in said city, of such width, in such manner, of such material and in such time as the common council by ordinance, resolution or order shall direct. Cleaning streets, sidewalks, &c.

SECTION 4. The said street commissioners shall have power to order and contract for the making, grading and enlarging of streets, alleys, public grounds, reservoirs, gutters, sewers and sidewalks within their respective wards, and to direct and control the persons employed therein. Grading.

SECTION 5. No improvement or work shall be done or made upon any street, chargeable to the adjoining lots, unless upon application, in writing, of a majority of resident owners of such lots: *provided, however*, that whenever the street commissioners shall deem it necessary to repair any sidewalk within their wards, they shall direct the owner or occupant of any lot adjoining such sidewalk, to repair the same at his own proper cost and charge, without any petition or application therefor from lot owners; and if such sidewalk be not repaired in the manner and within the time prescribed, the com- Street improvements. Repair of sidewalks.

missioners shall cause the same to be done at the expense of the lots adjoining such sidewalks.

Expense of surveying streets, &c

SECTION 6. The cost and expense of surveying streets, alleys, sidewalks, sewers, and of estimating work thereon, and of repairing streets and alleys, and of constructing and repairing reservoirs and sewers, shall be chargeable to and payable out of the fund of the proper ward.

Opening sewers and paving streets.

Opening, grading, graveling, planking or paving streets and alleys to the center thereof, shall be chargeable to and payable by the lots fronting on such street or alley. Sewers may be ordered by the street commissioners and built at the expense of the lots or parcels of land benefited thereby, which shall be apportioned among said lots or parcels of land by the street commissioners: *provided, however*, that when sewers are constructed through alleys, no lots shall be assessed therefor, except those situated in the block or blocks through which such sewers may be constructed; and where sewers are constructed through streets, no lots shall be assessed therefor, except those situated in the blocks fronting on such streets; *and provided, further*, that in all cases where improvement or work of any kind is chargeable by virtue of this section upon lots benefited, all such improvements across streets, alleys and public grounds shall be made and paid for out of the fund of the proper ward, in proportion to the width of the street, alley or public ground.

Lots subject to taxation for sewers.

Improvements across streets, &c.

Estimate and notice of improvements.

SECTION 7. Whenever the commissioners shall determine to make any public improvement, as authorized by sections 3 and 4 of this chapter, they shall cause to be made an estimate of the whole expense thereof, and of the proportion to be assessed and charged to each lot, and in case of grading streets, alleys or sidewalks, of the number of cubic yards to be filled in or to be excavated in front of each lot, and such estimate shall be filed with the city clerk for the inspection of the parties interested. The street commissioners shall give notice by advertisement, for ten days, in one or more newspapers published in Watertown, to the owners or occupants of the lots or parcels of land fronting on any street, alley or sidewalk ordered to be graded, graveled, planked or paved, requiring them to do the work mentioned in such notice, within a reasonable time, therein to be specified; and if the said work shall not be done

within such time, the said commissioners shall enter into contract for the doing thereof.

Expense of deep cutting and excavation.

SECTION 8. Whenever the general interest of the city or ward requires deep cutting or extraordinary filling in any street, and the owners of the lots or lands fronting on such deep cutting or filling shall deem themselves aggrieved thereby, and shall represent to the commissioners, in writing, that the expense of such excavation or filling will exceed the benefit the same will be to the property assessed therefor, the street commissioners shall require the marshal to summon five freeholders, not residents of the ward, nor owners of nor interested in said lots or lands, who, after being sworn faithfully and impartially to discharge the trusts imposed on them, shall examine the premises, and if, in their opinion, the cost of such work will exceed the benefit derived therefrom to such lots or lands, it shall be their duty to make report thereof to said commissioners, in writing, and shall state therein what portion of said work shall be chargeable to such lots or parcels of land, and how much or what portion shall be chargeable to the ward fund; and such proportion as shall be reported as properly chargeable to the lots or parcels of land aforesaid, shall be assessed upon the same, and levied and collected as other taxes and assessments, and the remainder shall be paid out of the ward fund: *provided, however*, that the petition of no owner feeling himself aggrieved by an act of the street commissioners, shall be received, unless the same shall be presented within fifteen days after the first publication of the notice requiring the same to be done; *and provided, further*, that when it shall appear to the street commissioners that lands belonging to non-residents, infants or persons laboring under any legal disability, who shall not be represented by any agent or guardian, are not benefited by the making of streets in front of such lots or lands, to the amount of the cost and expense thereof, it shall then be the duty of said commissioners to cause to be summoned a jury, as is herein provided.

Locations injurious to health.

SECTION 9. The street commissioners shall give notice to all owners or occupants of lots which may be deemed injurous to health by reason of stragnant water remaining thereon, in the official paper, for ten days, to abate such nuisance, by draining or filling such lot within a reasonable time, to be specified; and if such nui-

sance shall not be abated or removed within the time so specified, the street commissioners shall cause the same to be abated and removed at the expense of the property upon which the same may exist.

Certificate of work, and assessment and collection of expense.

SECTION 10. After the completion and performance of any contract entered into by any street commissioner, for work chargeable to lots or lands, by virtue of this act, they shall give to the contractor or contractors a certificate under their hands, stating therein the amount of work done by such contractor, the nature thereof, and the description of the lot or parcel of land upon which the same is chargeable, which said certificate may be transferred by indorsement thereon; and if the amount thereof shall not be paid before the time of making out the annual assessment roll, the same shall be assessed upon the said lots or parcels of lands respectively, and collected for the use and benefit of the holder of such certificate, as other taxes on real estate are collected by virtue of this act; and if the notice to do the work required, shall have been given as herein provided, no informality or error in the proceedings shall vitiate such assessment: *provided*, that in no event where work is ordered to be done at the expense of any lot or parcel of land, shall either the city or any ward be held responsible for the payment thereof.

Appeal.

SECTION 11. In all cases where work is ordered to be done by the owner of any lot under the provisions of this chapter, such owner may make his appeal, as hereinbefore provided, at any time within twenty days after the publication of the notice required to be given, and until the expiration of such twenty days, no such order shall be executed.

Poll tax.

SECTION 12. There shall be one day's work performed annually on the streets, highways, lanes and alleys by each male person, who by the laws of this state is liable or subject to perform highway work. Such persons shall perform such labor in the ward where he resides, under the direction of such person as the commissioners may order and appoint; but such person may, at his option, pay to the said person so appointed by said commissioners, at the rate of one dollar per every day he may be so bound to work; and in default of the payment of such money or the performance of such labor, the said commissioners of the proper ward shall issue their warrant to the marshal of said city, for

the collection from each and every person so delinquent, the sum of one dollar, the amount of the tax aforesaid, with the legal costs; and the said marshal shall have the same power and authority, and proceed in the service of said warrant in the same manner as prescribed by law in relation to the service of warrants issued for the collection of taxes assessed on personal property, and shall be entitled to the same fees. But before the said persons shall be required to do such work as aforesaid, the said commissioners shall make a correct list and enrollment of all such persons within their ward.

CHAPTER VII.

ASSESSING, LEVYING AND COLLECTING TAXES.

Taxation.

SECTION 1. All property, real and personal, within the city, except such as may be exempt by the laws of this state, shall be subject to taxation for the support of the city government and the payment of debts and liabilities, and the same shall be assessed in the manner provided by law; and the assessors elected under this act, shall have and possess the same powers that are or may be conferred upon township assessors; and they shall receive two dollars per day for each and every day actually and necessarily devoted by them to the service of the city, in discharge of the duties required of them by law, and the same rate for parts of a day: *provided*, the aggregate amount allowed said assessors in any one year, shall not exceed one hundred and fifty dollars.

Powers and per diem of assessors

Taxes for general city purposes.

SECTION 2. The common council shall, by resolution, levy such sum or sums of money as may be sufficient for the several purposes for which taxes are herein authorized to be levied, but not exceeding the authorized per centage, particularly specifying the purpose for which the same are levied, and if not for general city purposes, the ward upon which the same are levied; and all taxes and assessments, general and special, levied under this act, shall be and remain a lien upon the lands and tenements upon which they may be assessed, and on all personal property of any person or body politic assessed for personal taxes, from the delivery of the warrant for the collection thereof, until such tax shall be paid; and no sale or transfer of such real or personal estate, shall affect such lien.

Lien.

Tax list.

SECTION 3. As soon as said tax shall be levied, the common council shall cause the assessment roll to be copied in a book provided for that purpose, setting opposite to each tract of land and to each person named, under proper columns, such sum or sums as may be levied upon such lot or against such person. The said copy shall be designated the tax list, and to it shall be appended a warrant, signed by the mayor and clerk, and sealed with the corporate seal of said city, directed to the treasurer, requiring and commanding him to collect the taxes and assessments on said list.

To be compared.

SECTION 4. Such tax list before being delivered to the treasurer, shall be compared by the clerk with the assessment roll. To it he shall append this certificate that the same has been so compared by him, and that the said assessment roll, and the whole thereof, has been copied into such tax list; and the said tax list, when so certified, shall be *prima facie* evidence in any court, that the lands and persons therein named and described were subject to taxation, and that the assessment was just and equal.

Treasurer's notice.

SECTION 5. On the receipt of such tax list, the treasurer shall give one week's notice thereof, in some newspaper published in said city. Such notice shall state that the taxes on real and personal property must be paid within thirty days from the first publication of said notice; and the publication of such notice shall be deemed a demand, and a neglect to pay the taxes and assessments within the time specified, shall be deemed a refusal to pay the same.

Collection of taxes.

SECTION 6. On the expiration of the thirty days mentioned in the preceding section, the treasurer shall proceed to enforce the collection of state, county and city taxes both on real and personal property, in the manner specified in title five of the revised statutes; and if any such taxes shall not be paid or collected in consequence of the neglect or delay of the treasurer, the common council may sue for and recover the amount thereof from the said treasurer and his sureties. In case any state, county or city taxes shall not be paid within the time limited in the fifth section of this chapter, the treasurer may issue his warrant, directed to the city marshal, requiring and commanding him, within a certain time in such warrant to be specified, to proceed and collect such taxes as shall remain unpaid; and

the marshal receiving such warrant, shall be subject to all the liabilities and shall have all the powers of levying, distraining and selling, that are given to the treasurer, and shall be entitled to the same fees for collecting which the treasurer would have, had the taxes been collected by him.

Return of delinquent taxes.

SECTION 7. The treasurer of the city of Watertown is hereby required to return all delinquent state, county, school and city taxes to the county treasurer of the proper county, at the same time and in the same manner town treasurers are required by law to make returns; and such county treasurer shall sell the lots or parcels of land on which such taxes remain unpaid, in the same manner he is required by law to sell other lands for delinquent taxes; and all laws relating to the redemption of lands from taxes, and the executing of tax deeds, shall apply to such sale, so far as the same are properly applicable thereto.

Tax deeds to individuals.

SECTION 8. Upon all tax certificates heretofore issued by the city treasurer, upon the sale of lots or parcels of land for delinquent taxes, the city treasurer shall execute tax deeds to the person or persons entitled thereto, in the same manner and with like effect as if this act had not been passed.

Tax deeds to city.

SECTION 9. Where any lots or parcels of land have been bid off by the city of Watertown, at any tax sale made by the treasurer of said city, and the same have not or shall not be redeemed as provided by law, said treasurer shall execute to said city, in his name of office, and in the name of the state of Wisconsin, a deed therefor, witnessed and acknowledged in like manner as deeds to individuals, which shall have the same force and effect as conveyances executed by said treasurer to individuals of land sold for taxes.

Tax deeds to assignees.

SECTION 10. The assignee of any tax certificate shall be entitled to receive a deed of such premises in his own name, and with the same effect as though he had been the original purchaser.

Validity of deeds.

SECTION 11. All deeds purporting on their face to be executed on account of sale for taxes or assessments under this act, shall be in all cases *prima facie* evidence of the validity of such tax, and if the title conveyed by such deed shall come in question, shall be *prima facie* evidence of all facts recited in such deeds,

so far as they affect the validity of the title conveyed by such deed.

Validity of assessments.

SECTION 12. All directions hereby given for the levying and collection of taxes and assessments, shall be deemed only directory, and no error or informality in the proceedings of any of the officers entrusted with the same, not affecting the substantial justice of the tax itself, shall vitiate or in any wise affect the validity of the tax or assessment.

Redemption of lands sold for taxes.

SECTION 13. The treasurer shall receive all moneys that may be legally tendered him for the redemption of lands sold for taxes, and he shall keep an account thereof, and pay the same over, on demand, to the persons entitled to receive the same. He shall cancel all certificates so redeemed, and preserve the same in his office, and at the expiration of his term of office, he shall deliver over to his successor all redemption moneys in his hands, with a statement of the amount so received.

Collection of liens.

SECTION 14. In all cases where, by the provision of this act, any charge or assessment is made a lien upon land, the amount of such charge or assessment shall be carried out on the tax list in a separate column or columns opposite the lot or tract upon which the same may be a lien, and the treasurer may collect and sell and do all other acts in regard thereto in the same manner as if the amount of such lien was a general tax.

Fees of treasurer

SECTION 15. The treasurer, in addition to such sum as the common council may allow him, shall be entitled to the following fees, to wit: Five per cent. on all sums collected on personal tax, the same to be added to the amount of personal tax of each person taxed, and in case of a distress and sale by him of goods and chattels for the payment of any tax, he shall be entitled to such fees as are allowed sheriffs on sales of goods under execution; for each lot redeemed, for which he shall issue a certificate, twenty-five cents, and five cents for each additional lot embraced in such certificate, to be paid by the person redeeming; for each tax deed executed by him, one dollar, and five cents for each additional lot or tract embraced in the same deed, to be paid by the person receiving the same.

Treasurer's bonds.

SECTION 16. The treasurer of the city, in giving bonds for collecting the county tax and making his return to the county treasurer, and in all other respects,

shall conform to the general laws of the state regulating the same, except that the returns to the county treasurer shall be for the city, and not for the wards.

CHAPTER VIII.

FIRE DEPARTMENT.

Fire limits.

SECTION 1. The common council, for the purpose of guarding against the calamities of fire, shall have power to prescribe the limits within which wooden buildings, or buildings of other materials that shall not be considered fire proof, shall not be erected or repaired, and to direct that all and any buildings within the limits prescribed, shall be made and constructed of fire proof materials, and to prohibit the repairing of wooden buildings within the fire limits, when the same shall have been damaged to the extent of fifty per cent. of the value thereof, and to prescribe the manner of ascertaining such damage.

Powers of council to guard against fire.

SECTION 2. The common council shall have power to regulate the building, construction and condition of chimneys, fire-places, hearths, stoves, stove-pipes, ovens, boilers and apparatus used in or about any building, and to cause the same to be removed or placed in a safe and secure condition when considered dangerous; to prevent the deposit of ashes in unsafe places; to require the inhabitants to provide as many fire-buckets, and in such manner as they shall prescribe, and to regulate the use of them in time of fire; to regulate and prevent the carrying on of any manufactories dangerous in causing or promoting fires; to compel the owners or occupants of buildings to have scuttles in the roofs and stairs or ladders leading to the same; to authorize the mayor, aldermen, fire-wardens and other officers of the city, (*shall have power*) to keep away from the vicinity of a fire all idle and suspected persons, and to compel bystanders to aid in the extinguishment of fires and in the prevention of property exposed to danger thereat, and, generally, to establish such regulations for the prevention and extinguishment of fires as the common council may deem expedient.

Fire engines and companies.

SECTION 3. The common council shall have power to purchase fire-engines, and to authorize the formation of fire-engine, hook and ladder and hose companies,

and to provide for the due and proper support and regulation of the same, and to order such companies to be disbanded and their meetings to be prohibited, and their apparatus to be delivered up. Each company shall not exceed seventy able-bodied men, between the ages of fifteen and fifty years, and may elect its own officers and form its own by-laws, not inconsistent with the laws of this state or the ordinances and regulations of said city, and shall be formed only by voluntary enlistment. Every member of each company hereby authorized to be formed, shall be exempt from highway work and poll tax, from serving on juries, and from military duty, during the continuance of such membership.

Chief engineer and assistants.

SECTION 4. There shall be a meeting of the members of said companies on the third Monday of March, in each year, at such place as may be designated by the mayor, when they may nominate and recommend to the common council for appointment, one chief engineer and their assistant engineers, and the common council shall thereupon confirm such nominations, and the persons so appointed shall perform such duties as the common council shall prescribe.

Fire wardens.

SECTION 5. At the same time the members of said companies shall nominate, and the common council shall appoint the same, four fire-wardens, who shall reside in different wards, and who shall perform such duties as the common council shall prescribe; and they may at any time enter into or open any house, store or other building or inclosure, for the purpose of inspecting the same, with a view to guard against fire.

Punishment for disobeying orders at fires.

SECTION 6. Whenever any person shall refuse to obey any lawful order of any engineer, fire-warden, mayor or alderman at any fire, it shall be lawful for the officer giving such order to arrest, or direct orally the marshal, constable or any citizen to arrest such person, and to confine him temporarily in any safe place, until such fire shall be extinguished; and in the same manner, such officers, or any of them, may arrest or direct the arrest and confinement of any person at such fire, who shall be intoxicated or disorderly. Any person who shall refuse to obey any such lawful order, or shall refuse to arrest or aid in arresting any person so refusing, shall be liable to such penalty as the common council may prescribe, not exceeding fifteen dollars.

ompany.

SECTION 7. The common council shall have power

to organize a sack company, which shall be known as sack company number one, to consist of not less than twenty members. Such company shall constitute a part of the fire department, and at fires shall be subject to the control of the chief engineer. The members of said company, either collectively or individually, are hereby authorized and empowered to act as a special police in and for the city of Watertown, and are hereby vested with the power and authority which now is or may hereafter be vested in any police officer of said city, and shall be entitled to all the rights and immunities of the fire department. At fires they shall take charge of all property which may be exposed or endangered, and shall so far as it may be in their power preserve the same from injury and destruction. Said company may, from time to time, adopt such by-laws and regulations as they may deem necessary, not inconsistent with this act and the laws of this state. The members of said company shall not be entitled to any pay or compensation for services rendered in their official capacity. They shall, in case of riot or disturbance of the peace, have free access to all licensed places of amusement in the city, and shall perform such services as may be necessary for the peace and good order of the same. The members of said company shall severally take an oath or affirmation that they will faithfully discharge the duties of their said office; and when any member of said company shall cease to be a member thereof by resignation, expulsion or otherwise, notice thereof shall be given to the city clerk, who shall preserve a record of all the members of said company.

Duties.

Oath.

Record of resignations, &c.

CHAPTER IX.

MISCELLANEOUS PROVISIONS.

SECTION 1. All the officers of the city of Watertown shall remain in their respective offices, and perform the duties thereof, until the officers elected by virtue of this act are elected and qualified, at which time they shall deliver over all books, papers, moneys and other property in their possession, to the respective city officers who, by the nature of his or their respective office, is entitled to the custody of the same.

Terms of office.

SECTION 2. All ordinances, regulations or resolutions now in force in the city of Watertown, and not

Ordinances, &c. to remain in force.

inconsistent with this act, shall remain in force under this act until altered, modified or repealed by the common council, after this act shall take effect.

Work to be let to lowest bidder.

SECTION. 3. All work for the city or either ward thereof, shall be let by contract to the lowest responsible bidder, and due notice shall be given of the time and place of letting such contract.

How penalties shall be prosecuted.

SECTION 4. All actions brought to recover any penalty or forfeiture under this act, or the ordinances, by-laws, police or health regulations made in pursuance thereof, shall be brought in the corporate name of the city. It shall be lawful to declare generally in debt for such penalty or forfeiture, stating the clause of this act or by-laws or ordinances under which the penalty or forfeiture is claimed, and to give the special matter in evidence under it. All procecutions may be commenced by summons or warrant, as the exigencies of the case may seem to require: *provided*, that nothing herein contained shall be so construed as to prevent any peace officer from arresting without process, any person found in a state of intoxication, or guilty of immoderate drinking, improper reveling, obscenity, noisy, boisterous or disorderly conduct in the streets or public places, and taking such person or persons forthwith before a justice of the peace, or keeping them in confinement until such time as said justice can reasonably hear and dispose of such offender.

Executions—how collected.

SECTION 5. Execution shall issue forthwith on the rendition of judgment, unless the same be stayed or appealed according to the laws of this state. The execution, except in cases *ex contractu*, shall require the defendant to any such action, in case no goods or chattels, lands or tenements, whereof the judgment can be collected, be found, to be imprisoned in the jail of the proper county, for a term not exceeding three months, in the discretion of the justice or judge rendering judgment, unless the same be sooner paid or discharged by the common council.

Citizens may try causes.

SECTION 6. No person shall be an incompetent judge, justice, witness or juror, by reason of his being an inhabitant of said city, in any proceeding or action in which the city shall be a party in interest.

Want of an election not a loss of franchises.

SECTION 7. If any election by the people or common council shall not for any cause be held at the time or in the manner herein prescribed, it shall not be con-

sidered reason for arresting, suspending or absolving said corporation, but such election may be had on any subsequent day by order of the mayor; and if any of the duties enjoined by this act, or the ordinances or by-laws of the city, to be done by any officer at any time specified, and the same are not done and performed, the common conncil may appoint another time at which said acts may be done or performed.

Suits against the city.

SECTION 8. When any suit or action shall be commenced against said city, the service thereof may be made by leaving a copy of the process with the mayor; and it shall be the duty of the mayor forthwith to inform the common council thereof, or take such other proceedings as the ordinances or resolutions of said council may provide.

City may hold or lease real or personal property.

SECTION 9. Said city may lease, purchase or hold real or personal property sufficient for the convenience of the inhabitants thereof, and may sell and convey the same, and the same shall be free from taxation; nor shall any real or personal property of any inhabitant of said city, or any individual or corporation, be levied upon or sold by virtue of any execution issued to satisfy or collect any debt, obligation or contract of said city. All school houses and the lots on which they stand, all fire-engines, hooks and ladders, hose, fire-buckets, and other apparatus used in extinguishing fires, all engine houses, the lots on which they stand, and the furniture of the common council and city officers, shall be exempt from attachment, execution or other final process issued against said city.

Exempt from taxation.

Relating to repeal, &c. of this act.

SECTION 10. No general law contravening the provisions of this act, shall be considered as repealing, amending or modifying the same, unless such purpose be expressly set forth in such law.

Officers holding over.

SECTION 11. Each and every alderman of said city is hereby exempt from serving as a juror in any court in the county of Jefferson, during his term of office.

Repeal.

SECTION 12. Section nine of chapter 127, section three of chapter 128, of the private and local laws of 1856, and all acts and parts of acts inconsistent with the provisions of this act, (*be and the same*) are hereby repealed.

Public act.

SECTION 13. This act shall be considered a public act, and shall be construed favorably in all courts and

places, and shall take effect and be in force from and after its passage.

Approved March 28, 1865.

CHAPTER 234.

[*Published May* 8, 1865.]

AN ACT to legalize a special town meeting of the town of Lake Mills, Jefferson county, on the twenty-second day of August, 1864, and to authorize the issuing of town orders.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Bounty tax proceedings legalized.

SECTION 1. The special town meeting held in the town of Lake Mills, Jefferson county, on the twenty-second day of August, in the year eighteen hundred and sixty-four, for the purpose of raising a tax to pay volunteers and others who furnished a substitute, to be credited to said town, on the call of the president for five hundred thousand volunteers, is hereby declared legal, valid and binding upon said town, notwithing any irregularities that may have occurred in calling, notifying or holding the said meeting.

Town orders may be issued.

SECTION 2. The board of supervisors of the said town are hereby authorized and empowered and required to issue town orders, drawing not more than seven per cent. per annum, payable to the order of such volunteers as have been credited to said town under said call, and have not been paid, and to such persons as have purchased such substitutes that were credited to said town under said call, who have not been paid the same; and that all orders heretofore or which may hereafter be issued by said supervisors under the resolution adopted at the town meeting, shall be legal and binding to all intents and purposes whatsoever: *provided*, nothing herein shall be so construed as to permit said supervisors paying more than two hundred dollars to a volunteer, or person furnishing a substitute.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved March 30, 1865.

CHAPTER 235.

[*Published May* 8, 1865.]

AN ACT to provide for the punishment of certain offenses against school houses, churches and other public buildings.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Punishment for injury to school houses, churches, &c.

SECTION 1. Any person who shall willfully injure, deface or damage any school house, church or other public building within this state, shall, on conviction thereof, be deemed guilty of a misdemeanor, and shall be punished by a fine not exceeding one hundred dollars, or by imprisonment in the county jail not exceeding three months, or by both fine and imprisonment, in the discretion of the court.

Jurisdiction of justices.

SECTION 2. Justices of the peace shall have concurrent jurisdiction with the circuit court, of the offense mentioned in section one of this act.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved March 30, 1865.

CHAPTER 236.

[*Published May* 8, 1865.]

AN ACT to legalize the proceedings of a special town meeting called and held for the purpose of raising bounty money for volunteers, in the town of Calamus, in the county of Dodge.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Bounty tax proceedings legalized.

SECTION 1. All the proceedings had prior to and at a certain special town meeting or election held in the town of Calamus, in the county of Dodge, on the 25th day of August, A. D. 1864, and the tax voted to be raised to pay bounties to volunteers, are hereby declared to be legal and valid for all purposes whatsoever.

Town orders legalized.

SECTION 2. The town orders issued by the supervisors, signed by the chairman and attested by the

clerk of said town, since the special town meeting referred to in the preceding section, and used for the purpose of paying bounties to volunteers for said town, and the acts of the officers of said town in issuing and using the same for such purpose, are hereby declared to be legal and valid for all purposes whatever.

SECTION 3. This act shall take effect and be in force from and after its passage.

Approved March 30, 1865.

CHAPTER 237.

[*Published May* 9, 1865.]

AN ACT to incorporate the First Baptist church and society of Manchester.

(*See supplement to local laws.*)

CHAPTER 238.

[*Published May* 9, 1865.]

AN ACT to incorporate the Badger State mining company.

(*See supplement to local laws.*)

CHAPTER 239.

[*Published May* 9, 1865.]

AN ACT to authorize the Rock county bank to reduce its capital stock.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. The Rock county bank is hereby authorized to reduce its capital stock to any sum not less than twenty-five thousand dollars, upon filing with the bank comptroller a certificate from the secretary of state, that said bank has complied with the requirements of subdivision thirteen of an act to amend chapter 479 of the general laws of Wisconsin for the year 1852, entitled "an act to authorize the business of banking in the state of Wisconsin," approved May 15th, 1858, and setting forth in said certificate the amount to which such capital stock is to be reduced: *provided*, that said bank shall not be allowed to reduce its capital stock to an amount less than the circulating notes outstanding at the time of the filing of the certificate required in this section; and said bank shall be required to pay to the state treasurer all taxes due to the state on the full amount of its capital up to and including the day on which such certificate is filed with the bank comptroller.

Capital stock may be reduced.

Proviso.

SECTION 2. The president and cashier of the bank named in section one of this act, shall file in the office of the register of deeds in the county where said bank is located, a certificate, under oath, stating the sum to which the capital stock of said bank is reduced.

Certificate to be filed.

SECTION 3. This act shall take effect and be in force from and after its passage.

Approved March 30, 1865.

CHAPTER 240.

[*Published May* 12, 1865.]

AN ACT to authorize Robert Bretcher and Lina Bretcher to convey certain real estate therein named.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

May convey real estate.

SECTION 1. That it shall and may be lawful for Robert Bretcher and Lina Bretcher, minors, of the ages of sixteen and thirteen years, of the city of Watertown, and county of Jefferson, to execute a deed of conveyance of any real estate of which they may be now seized, or in which they may have an interest; and every such deed executed in pursuance of this act, shall be as valid and effectual as if the said Robert Bretcher and Lina Bretcher were of full age.

SECTION 2. This act shall take effect and be in force from and after its passage.

Approved March 30, 1865.

CHAPTER 241.

[*Published May* 13, 1865.]

AN ACT to authorize Moses Killgore to build and maintain a dock and pier extending into Lake Michigan.

(*See supplement to local laws.*)

CHAPTER 242.

[*Published May* 13, 1865.]

AN ACT to authorize John Le Roy and N. W. Kirtland to build and maintain a dock and pier extending into Green Bay.

(*See supplement to local laws.*)

CHAPTER 243.

[*Published May* 18, 1865.]

AN ACT to authorize the town of Omro to settle with its bondholders.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. The town of Omro is hereby authorized to borrow a sum of money, not exceeding in amount fifteen thousand dollars, in such manner as the supervisors of said town shall designate, on the credit of the town, for the purpose of satisfying or settling on such basis as the supervisors of said town may assent to, certain claims against the town of Omro, arising out of a pretended issue of its bonds to the Ripon and Wolf river railroad company. May borrow $15,000.

SECTION 2. To secure the sum or sums of money by or pursuant to this act, the supervisors of said town are hereby authorized to issue town bonds, in the usual form, for that purpose, drawing interest at seven per cent. per annum, to be paid semi-annually; the principal of said bonds payable not exceeding five years from date thereof, and both principal and interest payable at such place as the said supervisors may designate. May issue town bonds. When payable.

SECTION 3. The faith and credit of the town of Ormo are hereby and shall remain irrevocably pledged for the payment of the principal and interest of the bonds issued pursuant to this act; and the said town shall annually levy and cause to be collected a tax upon the taxable property of the town, sufficient to provide for the payment of the interest upon the said bonds, as the same shall become due, and shall also levy and cause to be collected a tax upon the taxable property of the town, sufficient to provide for the payment of the amount of the principal of the said bonds, and the money so raised shall be faithfully applied to the purpose indicated in this act. Faith of town pledged. Tax for interest and principal.

SECTION 4. This act shall take effect and be in force from and after its passage and publication.

Approved March 30, 1865.

CHAPTER 244.

[*Published March* 30, 1865.]

AN ACT to amend section seven of chapter 133 of the revised statutes, entitled "of costs and fees."

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Fees in case of change of venue.

SECTION 1. Section seven of chapter 133 of the revised statutes, entitled "of costs and fees," is hereby amended, by adding to the last subdivision of said section, the following: "*Provided*, that in case of a change of the place of trial of any suit, or in case of a new trial upon the order of the supreme court, fees may be collected as though brought into court upon original process, not to exceed ten dollars for each such change of place of trial, or new trial."

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 30, 1865.

CHAPTER 245.

[*Published May* 13, 1865.]

AN ACT to vacate Kennedy's and Poor's addition in the village of Wausau.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Vacated.

SECTION 1. All that portion of the village plat of the village of Wausau, in the county of Marathon, known and platted and recorded in the register's office of said county of Marathon, as Kenuedy's and Poor's addition to the village of Wausau, is hereby vacated: *provided*, that such vacation shall not in any wise affect or impair any assessment thereof heretofore made, nor any taxes heretofore levied thereon, or levied on any lot, tract or parcel thereof.

SECTION 2. This act shall be in force from and after its passage.

Approved March 30, 1865.

CHAPTER 246.

[*Published May* 13, 1865.]

AN ACT to incorporate the National insurance company.

(*See supplement to local laws.*)

CHAPTER 247.

[*Published May* 16, 1865.]

AN ACT to empower the fifth ward of the city of Milwaukee to raise money to pay bounties to volunteers.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. The qualified electors of the fifth ward of the city of Milwaukee, state of Wisconsin, shall have power at any annual or special meeting thereof, to vote to raise by tax such sum or sums of money as they may deem necessary, to pay bounties to volunteers in the service of the United States, who may hereafter enlist and become credited to the fifth ward of said city, and that no larger sum than two hundred dollars shall be raised or paid to any volunteer from money so raised by said ward. May vote on question of paying bounties to volunteers.

SECTION 2. A special meeting may be held in the fifth ward of said city for the purpose mentioned in the first section of this act, upon a written petition to the clerk of the city of Milwaukee, signed by five or more qualified electors and freeholders of such ward, which petition shall set forth the purpose or purposes for which such special meeting is asked by the petitioners, together with the amount of money sought to be raised by tax at such meeting for said purpose; and it is hereby made the duty of said clerk, upon presentation to him of such petition, to call a special meeting of the qualified electors of such ward, to be held at the place where the last annual election in such ward was held, by posting notices of the same in five or more public or conspicuous places in such ward, Petition for and notice of meeting.

stating the time when and the place where such meeting will be held, and the object of the same, together with the amount of each tax proposed to be voted thereat, which notice shall be so posted not less than five days previously to the time appointed for holding such special meeting; and such meeting shall be opened and conducted in the same manner that charter elections are now conducted in said ward, and a complete and correct return shall be made and filed in the office of the city clerk of the city of Milwaukee.

How meeting to be conducted.

Collection of tax, &c.

SECTION 3. Such tax so voted, shall be included in the next annual tax lists of the city of Milwaukee, and to be assessed on the real and personal property in the fifth ward of said city, and the same shall be collected in the same manner that other ward taxes are now collected by law, and be paid out of the city treasury on the orders hereinafter mentioned. The alderman and councilors of the fifth ward shall draw orders on the city treasurer in favor of each person so enlisting, which orders shall draw interest at the rate of seven per cent. per annum, from their date until their payment, and shall be delivered to such volunteer whenever he shall be accepted by the government, and duly credited to the fifth ward of said city.

SECTION 4. This act shall take effect and be in force from and after its passage.

Approved March 30, 1865.

CHAPTER 248.

[*Published May* 18, 1865.]

AN ACT to provide for the disposal and expenditure of the drainage fund in the towns of Sturgeon Bay and Sevastopol, in Door county.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

When fund to be paid.

SECTION 1. That portion of the interest of the drainage fund due to the towns of Surgeon Bay and Sevastopol, in Door county, for the year 1865, which shall

be paid over to the county treasurer of said county for the said year, shall be paid out by the said county treasurer only on the orders of the commissioners hereinafter mentioned, as hereinafter directed.

How to be expended.

SECTION 2. The moneys mentioned in section one of this act, shall be expended on the road running east from the village of Sturgeon Bay, on the line between sections five and eight, and sections (*four and sections*) four and nine, and sections three and four, for the purpose of improving the same, by cutting out the timber, not less than two rods wide, and corduroying and ditching said road.

Commissioners, &c.

SECTION 3. James Gillespie, of the town of Sevastopol, and Antoni Thompson, of the town of Sturgeon Bay, are hereby appointed commissioners to make said improvement, who shall receive for their services the sum of two dollars per day for each and every day actually spent by them in the superintendence of making said improvement.

Their duties.

SECTION 4. Said commissioners shall have control and superintendence of the expenditure of the drainage moneys due to said towns, as aforesaid. They may, after ascertaining from the county treasurer of said county, the amount of drainage money due to each town aforesaid, draw orders on the county treasurer of the aforesaid county, payable from the drainage fund, and employ such laborers or let such contracts as they may deem necessary. They shall keep a record of their doings, and take vouchers for all moneys drawn out and paid by them, and shall make a full report of their doings and expenditures to the county board of said county, at the November session of 1865: *provided*, that the county board of said county may extend the time for the completion of said work as they may deem necessary.

SECTION 5. This act shall take effect and be in force from and after its passage and publication.

Approved March 30, 1865.

CHAPTER 249.

[*Published May* 16, 1865.]

AN ACT to enable the electors of the town of Cold Spring, in the county of Jefferson, to vote a certain sum of money, for the payment of volunteers enlisting to the credit of said town, in 1864.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Bounty tax may be voted.

SECTION 1. The electors of the town of Cold Spring, in the county of Jefferson, are hereby authorized, at their next annual town meeting, or at any special election called for that purpose, to vote a tax of two hundred dollars, with legal interest thereon from January 1st, 1865, upon the taxable property in said town, for the purpose of paying the indebtedness of said town incurred in raising volunteers to fill the quota of said town under the call of 18th of July, 1864: *provided*, that the amount paid each volunteer from the town fund did not exceed the sum of two hundred dollars.

Limit to bounty.

SECTION 2. This act shall take effect and be in force from and after its passage.

Approved March 31, 1865.

CHAPTER 250.

[*Published May* 5, 1865.]

AN ACT to provide for laying out a state road from Menomonee, in Dunn county, to a point therein named, in Burnett county.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Commissioners.

SECTION 1. Andrew Tainter, Thomas B. Wilson and Samuel P. Barker are hereby appointed commissioners to lay out and establish a state road from Menomonee, in Dunn county, to a point on the line of the St. Croix and Lake Superior railroad, where it is intersected by the Bayfield branch, in town 38, N. of range 13 W., in the county of Burnett.

Compensation.

SECTION 2. The said commissioners shall receive for

laying out said road, such compensation for their services, from the counties through which said road shall pass, as the supervisors of such counties shall deem just and reasonable.

SECTION 3. This act shall be in force from and after its passage.

Approved March 31, 1865.

CHAPTER 251.

[*Published May* 18, 1865.]

AN ACT to authorize the town board of the town of Calumet to audit certain accounts.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. The town board of the town of Calumet, in the county of Fond du Lac, is hereby authorized to audit the accounts of the committees appointed at the special town meetings held for the purpose of voting bounties to volunteers to fill the quota of said town under the last two calls of the president of the United States. May audit accounts of bounty committee.

SECTION 2. The accounts of such committees for expenses and services in correcting the enrollment list and procuring volunteers to fill the quota of said town, shall be audited and allowed in the same manner as other accounts payable by said town. Ibid.

SECTION 3. This act shall take effect and be in force from and after its passage.

Approved March 31, 1865.

CHAPTER 252.

[*Published May* 17, 1865.]

AN ACT to extend the time for the collection of taxes in the town of Prairie du Chien.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Extended to July 1.

SECTION 1. The time for the collection of taxes on the tax roll of Prairie du Chien, in the county of Crawford, now in the hands of the town treasurer, is hereby extended until the first day of July next: *provided*, this act shall not affect the collection and paying over of the state and county taxes for said town.

Authority to treasurer.

SECTION 2. The present town treasurer of said town is hereby authorized and empowered to continue and complete the collection of the taxes on the roll in his hands, until the first day of July next, at which time he shall make a full settlement with the town supervisors of said town, of all bounty or other moneys which he shall have collected or received.

SECTION 3. This act shall take effect and be in force from and after its passage.

Approved March 31, 1865.

CHAPTER 253.

[*Published May* 18, 1865.]

AN ACT to reduce the capital stock of the Union bank of Columbus.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Capital may be reduced.

SECTION 1. The Union bank of the village of Columbus is hereby permitted to reduce its capital stock to a sum not less than twenty-five thousand dollars, upon filing a certificate with the secretary of state, that said bank has complied with the requirements of subdivision thirteen of an act to amend chapter 479 of the general laws of Wisconsin for the year 1852, entitled

"an act to authorize the business of banking in the state of Wisconsin," approved May 15th, 1858, and setting forth in said certificate the amount to which such capital stock is reduced: *provided*, that said bank shall not be allowed to reduce its capital stock to an amount less than its circulating notes outstanding at the time of the filing of the certificate required by this section; and said bank shall be required to pay to the state treasurer all taxes due to the state on the full amounts of its capital up to and including the day on which said certificate is filed with the bank comptroller. Proviso.

SECTION 2. The president and cashier of the said bank named in section one of this act shall, after the passage of this act, file in the office of the register of deeds in the county where said bank is located, a certificate, under oath, stating the sum to which the capital stock of said bank is reduced. Certificate to be filed.

SECTION 3. This act shall take effect and be in force from and after its passage.

Approved March 31, 1865.

CHAPTER 254.

[*Published May* 18, 1865.]

AN ACT to legalize all the proceedings of two special town meetings held in the town of Ixonia, county of Jefferson, state of Wisconsin, on the 7th day of January, 1865, and on the 15th day of February, 1865, for the purpose of raising bounty for volunteers in said town, and to legalize the acts of the town officers of said town under the votes and resolutions passed at said town meetings.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. All the proceedings of two special town meetings held in the town of Ixonia, in the county of Jefferson, state of Wisconsin, on the 7th day of January, 1865, and on the 15th day of February, 1865, for the purpose of raising money to pay bounties to volunteers, and all acts of the supervisors or other officers of said town, done under and in pursuance of such proceedings, are hereby declared to be legal and binding Bounty tax proceedings legalized.

authorized, at their next annual town meeting, to vote to raise by taxes levied upon the real and personal property in said town, the sum of six hundred dollars, for the purpose of paying the indebtedness of the same, incurred in procuring volunteers for the United States military service, to the credit of said town of Springvale, in the year 1864.

To be submitted to vote.

SECTION 2. The question of raising such sum above mentioned, shall be submitted to the said electors. The result shall be ascertained, declared and recorded, and the money, if so determined by a majority of votes in its favor, shall be collected, in the same manner and subject to the same provisions of law, as other moneys that are now raised for other town purposes.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved March 31, 1865.

CHAPTER 258.

[*Published May* 18, 1865.]

AN ACT to authorize Lyman Howe and John Roblin to maintain a boom on the Wisconsin river, in Wood county.

(*See supplement to local laws.*)

CHAPTER 259.

[*Published April* 1, 1865.]

AN ACT to amend section 59 of chapter 133 of the revised statutes, entitled "of costs and fees," and to repeal chapter 240 of the general laws of 1863.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Rates of legal advertising.

SECTION 1. Section 59 of chapter 133 of the revised statutes is hereby amended, so as to read as follows:

"For publishing any other notice, or other order, citation, summons, or any other proceeding or advertisement required by law to be published in any newspaper, not more than sixty cents per folio for the first insertion, and thirty-five cents per folio for each insertion after the first."

SECTION 2. Chapter 240 of the general laws of 1863, and all acts conflicting with the provisions of this act, are hereby repealed. Repeal.

SECTION 3. This act shall take effect and be in force from and after its passage.

Approved March 31, 1865.

CHAPTER 260.

[*Published March* 31, 1865.]

AN ACT relating to the collection of certain taxes in the city of Milwaukee.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. The time for collecting the taxes in the city of Milwaukee, purporting to be levied for paying bounties to volunteers or other purposes, specified in and under the provisions of chapter fourteen of the general laws of 1865, is hereby extended until the twentieth day of September, 1865; and the treasurer of the city of Milwaukee shall make no return to the county treasurer of the delinquent taxes so levied as aforesaid. Extended to Sept. 20.

SECTION 2. Any tax which shall have been heretofore legally voted and levied by the city of Milwaukee, pursuant to and under the provisions of chapter fourteen of the general laws of 1865, shall be collected only by the city treasurer of said city, who may give like notice of collecting the same, as now required by law for the collection of general city taxes, and may proceed to collect the same, and to sell the real estate on which the said tax shall be unpaid on the said twentieth day of September, 1865, giving notice of such sale, and adjourning the same from day to day, in like manner and in accordance Return of delinquent taxes.

with the provisions of law in case of the sale of real estate for delinquent general city taxes.

SECTION 3. This act shall take effect and be in force from and after its passage.

Approved March 31, 1865.

CHAPTER 261.

[*Published May* 19, 1865.]

AN ACT to authorize the town of Shields, in Dodge county, to pay two hundred dollars to persons furnishing substitutes credited to said town.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

May pay bounties to volunteers

SECTION 1. The town board of supervisors of the town of Shields, in the county of Dodge, are hereby authorized to pay the sum of two hundred dollars to any person, being a resident of said town, who shall furnish a substitute to be credited to said town, and apply upon the quota of said town, out of any money received by a vote of the electors of said town to pay bounties to volunteers.

SECTION 2. This act shall take effect and be in force from and after its passage.

Approved March 31, 1865.

CHAPTER 262.

[*Published May* 19, 1865.]

AN ACT to authorize T. B. Sheldon and William Howe to keep and maintain a ferry across the Mississippi river, including both channels, at some point in the county of Pierce, opposite the city of Red Wing, in the state of Minnesota.

(*See supplement to local laws.*)

CHAPTER 263.

[*Published May* 18, 1865.]

AN ACT to amend section 108 of chapter 137 of the revised statutes, entitled "of evidence."

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. Section one hundred and eight (108) of chapter one hundred and thirty-seven (137) of the revised statutes, entitled "of evidence," shall read as follows: "Whenever any oath or affidavit is or may be required or authorized by law, (except oaths to jurors and witnessess in the trial of a cause, and such other oaths as are required by law to be taken before particular officers,) the same may be taken before any judge, judge of probate, court commissioner, clerk of any court of record, notary public, town clerk, justice of the peace, or clerk of the board of supervisors, and when certified by any such officer to have been taken before him, may be read and used in any court of record, or not of record, within this state, and before any officer, judicial, executive or administrative." Before whom oaths may be taken.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 31, 1865.

CHAPTER 264.

[*Published May* 18, 1865.]

AN ACT to amend section 126 of chapter 13 of the revised statutes, entitled "of counties and county officers."

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. Section one hundred and twenty-six of chapter 13 of the revised statutes, entitled "of counties and county officers," is hereby amended, so as to read as follows: "No person holding the office of sheriff, under sheriff, county judge, district attorney, clerk of the Who not to hold the office of county treasurer.

circuit court, clerk of the board of supervisors, nor any member of the county board of supervisors, shall hold the office of county treasurer or deputy county treasurer."

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 31, 1865.

CHAPTER 265.

[*Published April* 1, 1865.]

AN ACT to amend section 90 of chapter 18 of the revised statutes, entitled "of the assessment and collection of taxes."

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Fees of town and village treasurers for collecting taxes.

SECTION 1. Section 90 of chapter 18 of the revised statutes is hereby amended, so as to read as follows: "Each town treasurer, and the treasurer of each incorporated village, shall receive two per centum on all sums collected by him as such treasurer, prior to the first day of January, in each year, and on all sums collected on and after the first day of January, five per centum, to be retained out of the money he may so collect or receive, unless the meeting at which such treasurer shall be elected, shall, by ballot or by resolution, prescribe or adopt a less per centum, in which case he shall be entitled to receive only the per centum prescribed by such meeting; and in case of a distress and sale by him, as such treasurer, of goods and chattels for the payment of any tax, he shall be entitled to collect and receive the maximum fees as prescribed by this section, and in addition, such fees as constables are authorized to receive for levying upon and selling goods under execution. And it shall be lawful for any town or village, at the time of opening the polls of any meeting when a treasurer is to be elected, to determine the per centum which such treasurer may receive as fees for collecting taxes during his term of office: *provided*, that such fees shall not be less than one per centum, nor more than the rate first above specified: *provided, further*, that it

Other rates may be determined upon.

shall be lawful for the board of trustees of incorporated villages, in which meetings or elections are held by wards, to determine by resolution the per centum which their respective treasurers may receive for collecting taxes, in conformity with the limitations contained in the preceding proviso; *and provided, also*, that the provisions of this act shall not apply to nor in any manner affect the fees of treasurers for collecting village, ward or other municipal taxes, or sidewalk, street improvement or other assessments, or increase or diminish the annual salaries established by law, of treasurers in villages whose charters limit or specify such fees or annual salaries, or whose charters authorize their respective boards of trustees to limit or determine the same; nor shall this act in any manner affect or determine the per centum which town or village treasurers may receive for collecting bounty taxes levied under the provisions of chapter 14 of the general laws of 1865." Proviso.

SECTION 2. The meeting at which any town assessor may be elected, may by resolution fix the amount of pay which such assessor shall receive for his services: *provided*, such pay shall not be less than one dollar and fifty cents per day. Salaries of treasurers may be fixed.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved March 31, 1865.

CHAPTER 266.

[*Published April* 8, 1865.]

AN ACT fixing the salary of the adjutant-general.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. Section six (6) of chapter 242 of the general laws of 1863, is hereby amended, so as to read as follows: "Section 6. The governor, adjutant-general and quartermaster-general are hereby authorized to employ such clerks and assistants, and to procure such blanks, blank books and stationery as may be necessary to carry out the provisions of this act, and Salary of adjutant-general and quartermaster-general, and their assistants.

CHAPTER 252.

[*Published May* 17, 1865.]

AN ACT to extend the time for the collection of taxes in the town of Prairie du Chien.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Extended to July 1.

SECTION 1. The time for the collection of taxes on the tax roll of Prairie du Chien, in the county of Crawford, now in the hands of the town treasurer, is hereby extended until the first day of July next: *provided*, this act shall not affect the collection and paying over of the state and county taxes for said town.

Authority to treasurer.

SECTION 2. The present town treasurer of said town is hereby authorized and empowered to continue and complete the collection of the taxes on the roll in his hands, until the first day of July next, at which time he shall make a full settlement with the town supervisors of said town, of all bounty or other moneys which he shall have collected or received.

SECTION 3. This act shall take effect and be in force from and after its passage.

Approved March 31, 1865.

CHAPTER 253.

[*Published May* 18, 1865.]

AN ACT to reduce the capital stock of the Union bank of Columbus.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Capital may be reduced.

SECTION 1. The Union bank of the village of Columbus is hereby permitted to reduce its capital stock to a sum not less than twenty-five thousand dollars, upon filing a certificate with the secretary of state, that said bank has complied with the requirements of subdivision thirteen of an act to amend chapter 479 of the general laws of Wisconsin for the year 1852, entitled

CHAPTER 268.

[Published April 3, 1865.]

AN ACT to codify, consolidate and amend the act to incorporate the city of Appleton, and the several acts amendatory thereof.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

CHAPTER I.

CITY AND WARD BOUNDARIES.

City of Appleton.

SECTION 1. The district of country in the county of Outagamie, contained within the limits and boundaries hereinafter described, shall be a city, by the name of Appleton, and the people now inhabitating and those who shall hereafter inhabit said district of country herein described, shall be a municipal corporation, by the name of the city of Appleton, and shall have the general powers possessed by municipal corporations at common law, and in addition thereto shall possess the powers hereinafter specifically granted, and the authorities thereof shall have perpetual succession, shall be capable of contracting and being contracted with, suing and being sued, pleading and being impleaded, in all courts of law and equity, and shall have a common seal, and may alter or change the same at pleasure.

Name and powers.

Boundaries.

SECTION 2. The territory included within the following limits and boundaries, shall constitute the city of Appleton, to wit: All of sections twenty-five (25,) twenty-six (26,) the south half of section twenty-seven (27,) and sections thirty-four (34,) thirty-five (35) and thirty-six (36,) in township twenty one (21,) north of range seventeen (17) east.

Wards.

First.

SECTION 3. The said city shall be divided into four wards, as follows: The first ward shall comprise all that portion of territory lying east and north of the following line: Commencing at a point on the north line of the city limits, due north of and opposite to the center of the northern extremity of Drew street; thence south to the northern extremity of Drew street; thence south along the center of Drew street to the south line of College avenue; thence east to the east line of block one (1,) in Appleton plat; thence south

to the center of Fox river; thence east along the center of said river to the city limits. The second ward shall contain all that portion of territory lying east and north of the following line, and not included in the first ward: Commencing at a point on the north line of the city limits, due north of the northern extremity of Elm street; thence south to the center of Elm street; thence south along the center of Elm street to the center of Fox river; thence east down the center of Fox river to the southwest corner of the first ward. The third ward shall contain and include all the remaining portion of territory of said city, north of the center of Fox river, not included in the first and second wards. The fourth ward shall contain and include all that portion of territory lying south of the center of Fox river, in said city limits.

Second.

Third.

Fourth.

CHAPTER II.

ELECTIONS.

Annual election.

SECTION 1. The annual election for city and ward officers, shall be held on the first Tuesday of April, in each year, at such place in each ward as the common council shall designate, and the polls shall be kept open from nine o'clock in the forenoon until sundown, but the board of inspectors may adjourn the polls at twelve o'clock, noon, for one hour; and ten days' previous notice shall be given by the city clerk, by publication, of the time and place of holding such elections, and the city and ward officers to be elected.

Elective officers.

SECTION 2. The elective officers of said city shall be a mayor, a treasurer, and a marshal, to be chosen from the city at large, and two aldermen and one justice of the peace for each ward. A city clerk, an assessor, a city attorney, a street commissioner, and a city surveyor, and all other officers necessary for the proper management of the affairs of said city, shall be appointed by the common council. A city superintendent of schools shall be appointed by the board of education. All elective officers, except justices of the peace and aldermen, shall, unless otherwise provided by law, hold their respective offices for one year, and until their successors are elected and qualified; and justices of the peace, aldermen, and the city superintendent of schools, shall each hold

office for two years, and until their successors are chosen and qualified: *provided, however*, the common council shall have power, for due cause, and after opportunity for a fair hearing, to expel any of their own number, and to remove from office any officer or agent under the city government, except justices of the peace, written notice being first given to the officer complained of, to appear before the common council and answer to the complaint made.

Expulsion, removals, &c.

SECTION 3. Whenever a vacancy shall occur in the office of mayor or alderman, such vacancy shall be filled by a new election, which shall be ordered and held within ten days after official notice of such vacancy shall be received by the city clerk or mayor; and any vacancy happening in any other office, except justice of the peace, shall be filled by the common council. Vacancies in the office of justice of the peace can only be filled at the charter election next ensuing thereafter. The person elected or appointed to fill any vacancy, shall hold his office and discharge the duties thereof for the unexpired term, and with the same rights and subject to the same liabilities as the person whose office he may be elected or appointed to fill.

Vacancies—how filled.

SECTION 4. All elections by the people shall be by ballot, and a plurality of votes shall constitute an election. When two or more candidates for an elective office shall receive an equal number of votes for the same office, the election shall be determined by the casting of lots in the presence of the common council, at such time and in such manner as they shall direct. All votes for elective officers shall be upon one ballot, and be deposited in one ballot box.

Elections to be by ballot.

SECTION 5. All persons entitled to vote for county officers, who shall reside in the ward where they offer to vote, shall be entitled to vote for any officer to be elected under this law, and to hold any office herein created:

Qualifications of voters.

SECTION 6. All general and special elections under this act, shall be held and conducted by the aldermen of each ward, if present, who, with one qualified elector, to be chosen *viva voce* by the electors present, shall be inspectors of election, and shall take and subscribe the usual oaths or affirmations, as prescribed by the general laws of this state to be taken by the inspectors of elections, and shall have the power to ap-

Inspectors of elections.

point clerks of such elections, and to administer the necessary oaths. All elections under this act shall be held and conducted in the same manner and under the same penalties, and vacancies in the board of inspectors thereof filled, as required by the laws of this state relating to elections.

How elections to be governed.

Challenge.

SECTION 7. If any person offering to vote at any election held pursuant to this act, shall be challenged as unqualified by any elector, or by one of the inspectors, one of the inspectors, before receiving such vote, shall require the party challenged to take the following oath: "You do solemnly swear, (or affirm, as the case may be,) that you are twenty-one years of age; that you are a citizen of the United States, (or have declared your intention to become such, conformably to the laws of the United States on the subject of naturalization;) that you have resided in the state of Wisconsin one year next preceding this election; that you are now an actual resident of this ward; that you are not here for a temporary purpose, but that this ward is your home; that you have not voted at this election, and that you have made no bet or wager, or become directly or indirectly interested in any bet or wager, depending upon the result of this election." And if the person offering to vote shall take such oath, his vote shall be received; and if any person shall take such oath falsely, he shall be deemed guilty of willful and corrupt perjury, and upon conviction thereof, upon indictment in the circuit court for the county of Outagamie, shall suffer the penalties prescribed by law for the punishment of perjury. If any person who is not a qualified voter, shall vote at any election herein provided for, or if any person shall vote in any other ward than the one in which he resides, or shall vote more than once at any one election, he shall be liable to indictment, and on conviction thereof shall forfeit and pay a sum not less than twenty-five dollars nor more than one hundred dollars. It shall be the duty of the inspectors to keep a list of the names of all persons whose votes may be challenged as aforesaid, and who shall swear in their votes; and if any inspector shall knowingly and corruptly receive the vote of any person not herein authorized to vote, or shall make out false returns of an election, or shall alter or change any vote, or if any clerk shall not write down the name of every voter as he votes, or

Oath.

Perjury.

Illegal voting.

List of challenged voters.

shall add to or diminish from the poll list kept by him or by his associate, or shall willfully make untrue and incorrect count and tallies of votes, each and every such inspector and clerk shall be liable to indictment, and on conviction thereof shall severally forfeit and pay a sum not less than one hundred dollars nor more than five hundred dollars.

Return of votes.

SECTION 8. When an election shall be closed, and the number of votes for each candidate or person voted for shall be counted and ascertained, the said inspectors and clerks shall make a return thereof, duly signed, stating therein the number of votes for each person and the office designated, and the whole number of votes cast, and shall deliver, or cause to be delivered, such return, together with the poll lists kept by the clerks, to the city clerk, within three days after any election. In case of any neglect or failure of any inspector or clerk to comply with the provisions of this section, such inspector or clerk shall be liable to said city in the penal sum of twenty-five dollars and costs of suit, to be recovered before any justice of the peace of said city, in an action of debt. Within one week after each and every election under and by virtue of this act, the common council, or in the absence of a quorum, the city clerk and two justices of the peace of Outagamie county, shall meet, canvass said returns and delare the result, as it appears from the same, and the city clerk shall forthwith give notice to each person elected of his election.

Penalty.

Canvass of votes.

Application of fines.

SECTION 9. All fines imposed and collected by virtue of this chapter, and all fines and penalties imposed by a justice of the peace for assault and battery, breach of the peace, or other offenses against the statutes, cognizable before a justice of the peace, committed within the limits of said city, shall be paid into the city treasury, and be set apart, accounted for and appropriated as a part of the poor fund of said city.

Vacancies.

SECTION 10. Any officer removing from the city, or any ward officer removing from the ward for which he was elected, or any officer who shall neglect or refuse for ten days after notice of his election or appointment, to enter upon the discharge of the duties of his office, or if any officer shall be convicted of an infamous crime under the laws of this state, he shall be deemed to have

vacated his office, and the same may be filled as provided for in this act.

Officers to be elected at first election.

SECTION 11. There shall be elected at the first election under this act, one alderman for each ward, who shall hold his office for two years, and the alderman elected under the former city charter, shall hold his office for the term for which he was elected.

Terms of office of present officers.

SECTION 12. All the city and ward officers now in office, shall hold their respective offices until their successors shall be elected or appointed under this act; and the term of office of every officer elected under this act, shall commence on the second Tuesday of April, of the year in which he was elected.

Duties of present council.

SECTION 13. All duties herein required of the common council, alderman and city clerk, in regard to elections, shall be performed, so far as may be necessary, by the present common council and aldermen, in regard to the first election and the organization of the city government under this act; and the first election of officers, under the provisions of this act, shall be held on the first Tuesday of April, A. D. 1865. Should there be a failure by the people to elect any officer herein required to be elected, on the day designated, the common council may order a new election to be held, as in the case of special elections to fill vacancies.

In case of failure to elect.

Terms of office of justices of the peace.

SECTION 14. The justices of the peace of the several wards of said city, now in office, shall be and remain in office until the second Tuesday of April, A. D. 1866, and the first election for a justice of the peace in each of said wards in said city, shall be held on the first Tuesday of April, A. D. 1866. The justices of the peace authorized by this act, shall have and exercise all the powers and be subject to the same liabilities as justices of the peace in towns, and their jurisdiction shall be coextensive with the limits of Outagamie county, and they shall have jurisdiction over and cognizence of all actions and proceedings, the same as other justices of the peace in said county of Outagamie, and all proceedings at law before them shall be governed and regulated by the general provisions of law now in force in regard to actions and proceedings before and courts held by justices of the peace, and they shall also have jurisdiction of all offenses against the ordinances and regulations established by the mayor and common council, and they may hold their offices in any portion of

Powers and jurisdiction of justices.

the city: *provided*, that no two of them shall hold their offices in the same room; *and provided, further*, that their official bonds shall be approved by the mayor and city clerk. The common council of said city may require a bond from each and all of said justices, to pay over all moneys belonging to said city which may come into their hands; and they shall, on the first Mondays of April, July, October and January, of each year, report to the common council the amount of all moneys belonging to said city. Proviso. Bonds.

CHAPTER III.

OFFICERS—THEIR POWERS AND DUTIES.

SECTION 1. Every person elected or appointed to any office under the provisions of this act, except a justice of the peace, shall, before he enters upon his duties, take and subscribe an oath of office, and file the same with the clerk of the city; and the treasurer, clerk, marshal, street commissioner, and such other officers as the common council may direct, shall severally, before they enter upon their respective duties, execute to the city of Appleton a bond, with at least two sureties, who shall swear that they are worth, in the aggregate, the penalty specified in said bond, over and above all debts, exemptions and liabilities; and said bond shall contain such penal sum and such lawful conditions as the common council may deem proper; and the common council may, from time to time, require new or additional bonds, or remove from office any officer neglecting or refusing to present the same. Oaths and bonds of officers.

SECTION 2. The mayor, when present, shall preside over the meetings of the common council, and take care that the laws of the state and the ordinances of the city are duly observed and enforced, and that all other executive officers of the city discharge their respective duties. He shall, from time to time, give the common council such information and recommend such measures as he shall deem advantageous for the city. The mayor shall be chief executive officer, and head of the police of the city, and in case of a riot, epidemic or disturbance of the peace, he may appoint as many special or temporary policemen and constables as he may deem necessary. In the common council, the mayor shall have a vote only in case of a tie. The mayor shall Mayor—his powers and duties.

have power to veto any ordinance or resolution passed by the common council, by notifying the common council of his objections thereto in writing, at any time within five days after the passage of such ordinance or resolution. In case of no session of the common council on any day after the passage of the same, and before the expiration of said five days, such notification shall be made by filing with the city clerk a copy of his objections; and if the common council shall not at its next regular meeting thereafter, re-enact such ordinance or adopt such resolution by the votes of five aldermen, the same shall be null and void.

President.

SECTION 3. At the first meeting of the common council, in each corporate year, they shall proceed to elect by ballot one of their number president; and in the absence of the mayor from the city, or his inability, for any reason, to discharge the duties of his office, the said president shall exercise all the powers and discharge all the duties of the mayor. In case the mayor and president shall both be absent at any meeting of the common council, that body shall proceed to elect a temporary presiding officer, who, for the time being, shall discharge all the duties of the mayor. The president or temporary presiding officer, while discharging any of the duties of mayor, shall be styled acting mayor, and acts performed by them, or either of them, in such capacity, shall have the same force and validity as if performed by the mayor. The common council at their first or second meeting after the charter election, in each year, shall elect a city clerk, an assessor, and a street commissioner, and designate one or more newspapers printed in said city, in which they shall cause to be published their proceedings and all ordinances and resolutions adopted by them, and in the month of April, of each year, a statement of the receipts and expenditures of the various funds of the city. They shall regulate, by ordinance, the time of appointing a city superintendent of schools, city surveyor, city attorney, and such other officers as they may deem necessary; and all the appointed officers herein named, except city superintendent of schools, shall hold office for one year, and until their successors are chosen and qualified. The common council shall, by resolution, fix the salary or fees of all the appointive officers of the city, and such salary or fees shall neither be increased or diminished

President *pro tem*

Appointive officers.

Their salaries.

during the corporative year in which such resolution may be adopted.

SECTION 4. The city clerk shall keep the corporate seal and all papers and records of the city. He shall keep a record of all the proceedings of the common council, whose meetings he shall attend. He shall draw and countersign all orders on the treasurer, pursuant to any vote or resolution of the common council, and keep an accurate record thereof, in books provided for that purpose. He shall file in his office and safely keep all chattel mortgages presented for that purpose, on payment of twenty-five cents therefor; and all chattel mortgages so filed, shall be as valid and legal as if filed in the town clerk's office in any town. He shall have power to take acknowledgments of deeds or other instruments, and administer oaths and affirmations; and he may appoint a deputy, for whose official acts he shall be responsible. Copies of all papers filed in the office of the city clerk, and transcripts from the records of said city, certified by him under the corporate seal, shall be evidence in all courts and places, in like manner as if the original were produced. Clerk—his duties.

SECTION 5. The treasurer of said city shall perform such duties and exercise such powers as may be required of him by the laws of this state or ordinances of the city. All moneys raised, received, recovered or collected by means of any tax, license, fine, penalty, forfeiture or otherwise, by virtue of this act, or which belong to the said city, shall be paid into the city treasury, and shall not be drawn therefrom except by an order on that specific fund, signed by the mayor and countersigned by the clerk, by order of the common council. He shall keep an accurate account of all moneys or other property which may come into his hands as treasurer, in books to be provided for that purpose, which shall remain the property of the city, wherein he shall note the time when and the persons from whom the several sums were received, which books shall at all reasonable hours be open to the inspection of any person. As often as the common council may require, he shall render to said council a minute account of the receipts and expenditures of his office, and at the expiration of his term of office, he shall hand over to his successor all moneys, books, papers and property in his possession belonging to said city. The Treasurer—his duties.

said treasurer shall also be the collector of taxes in said city, and for this service he shall have the same powers and be subject to the same liabilities and governed by the same laws as treasurers of towns, except as otherwise provided for in this act: *provided, always*, that he shall keep an accurate account of all fees by him received as treasurer, from any and all sources, in a book to be provided for that purpose, and when the amount thereof shall reach the sum of four hundred dollars, all sums by him received over and above that amount, shall be by him paid and credited to the general fund of said city, for the use of said city; and such book shall be open at all reasonable times to the inspection of any person; and he shall, when required, make report to the common council, duly verified on oath, of all fees received by him as treasurer; and he shall receive no other or further compensation for his services as treasurer, except that the common council shall provide him all necessary books, blanks and stationery requisite to the discharge of his duties: *provided, further*, that whenever the aggregate amount of all taxes in the tax roll for any year, shall exceed the sum of twenty thousand dollars, the common council may, in its discretion, allow him extra compensation to an amount not exceeding one per cent. on such excess.

His fees.

Extra compensation.

Marshal—his duties and powers.

SECTION 6. The marshal shall perform such duties as shall be prescribed by the common council, for the preservation of the public peace, and the collection of fines and license moneys. He shall possess all the powers of constables of towns, be subject to the same liabilities, and entitled to the same fees. It shall be his duty to execute and return all writs and processes to him directed, and when necessary, in criminal cases or for the violation of any ordinance of said city, or law of the state, may pursue and serve the same in any part of the state. It shall be his duty to suppress all riots, disturbances and breaches of the peace, to remove all obstructions in the streets, avenues, alleys and highways in said city, to abate all nuisances, to apprehend any person in the act of committing any offense against any ordinance of said city or laws of the state, and within reasonable time bring such person before competent authority for examination or trial. He may appoint one or more deputies, to be approved by the mayor and clerk, for whose official acts he shall be re-

Deputies.

sponsible. The corner of Outagamie county, if a resident of the city of Appleton, may, upon filing a bond with the city clerk, in like sum and with like penalties as the bond of the marshal, duly approved by the mayor and clerk, exercise all the powers and prerogatives of a constable of any town, be subject to the same penalties and liabilities, and be entitled to the same fees. Coroner may exercise powers of constable.

SECTION 7. The city surveyor shall be a practical surveyor and engineer. He shall keep his office at some convenient place in the city. He shall preserve and have open to the inspection of any person, all surveys, profiles, plans or estimates made by him for the city or wards, which shall be the property of the city, and which, with all books or papers pertaining to his office, he shall turn over to his successor or the city clerk, on the expiration of his term of office. City surveyor.

SECTION 8. The city attorney shall be a person duly admitted to practice in the courts of record, conformably to the laws of this state. City attorney.

SECTION 9. The city superintendent of schools shall possess the necessary qualifications of a common school teacher of the highest grade. Superintendent of schools.

SECTION 10. The city printer or printers, immediately after the publication of any ordinance or notice which by this act is required to be published, shall file with the city clerk a copy of such publication, with his or their affidavit, or the affidavit of his or their foreman, of the length of time the same has been published, and such affidavit shall be conclusive evidence of the publication of such ordinance or notice. City printer.

SECTION 11. The mayor, acting mayor, sheriff of Outagamie county, each alderman, justice of the peace, marshal, chief engineer of the fire department, foreman of a fire company, policeman and watchman, shall be officers of the peace in said city, and may command the peace, and suppress, in a summary manner, all rioting and disorderly behavior within the limits of the city, and for such purpose may command the assistance of all bystanders, and, if need be, of all citizens, military and fire companies; and if any person, military officer or private, or fireman, shall refuse to aid in maintaining the peace when so required, every such person shall forfeit and pay a fine of not less than ten nor more than fifty dollars; and in cases where the civil power may be required to suppress riots or dis- Peace officers.

orderly behavior, the superior officer present, in the order mentioned in this section, shall direct proceedings.

Officers to deliver papers, &c. to successors.

SECTION 12. If any person, having been an officer in said city, shall not within ten days after notification, deliver to his successor in office all property, books, papers and effects of every description in his possession, pertaining to the office he may have held, or belonging to said city, he shall forfeit and pay to the use of said city one hundred dollars, besides all damages caused by his neglect or refusal so to deliver; and such successor may recover the possession of such books and papers and effects, in the manner prescribed by the laws of this state. The common council shall have power, from time to time, to require other and further duties to be performed by any officer whose duties are herein prescribed, not inconsistent with this act, and to appoint such other officers as may be deemed necessary to carry out the provisions of this act, in which case they shall fully prescribe their duties and liabilities.

Further duties may be required of officers.

Aldermen not to be interested in contracts.

SECTION 13. No alderman shall be a party to or interested in any job or contract with the city or any of the wards, and any contract in which any alderman may be so interested, shall be null and void; and in case any money shall have been paid on any such contract, the common council shall sue for and recover the amount so paid, from the parties to such contract and the alderman interested in the same; and no compensation shall be allowed to the mayor or aldermen for their services, except for services as inspectors of elections, board of equalizers, or board of health. The senior alderman of each ward shall be *ex officio* a member of the county board of equalization of the assessments upon the real estate in the county of Outagamie.

Board of equalization.

Assessor.

SECTION 14. The assessor chosen by virtue of this act shall, in all things pertaining to his office, so far as practicable, be governed by the same laws as assessors in towns, except as soon as he has completed his assessment roll, he shall return it to the city clerk, and his compensation shall be established by the common council.

Street commissioner.

SECTION 15. The street commissioner shall have the power to order and contract for the making, grading, graveling, paving, repairing and cleaning of streets,

avenues, highways, alleys, public grounds, public wells, reservoirs, gutters and sewers, and all bridges within said city, and to direct and control the persons employed therein, conformably to the provisions of this act and to the order of the common council. He shall make report, in detail, whenever required by the common council, of all his acts and doings, and at the expiration of his term of office, shall deliver over to his successor all books, records, papers and other property pertaining to said office, or belonging to the city; and his records and papers shall be open to the inspection of any citizen of the city at all reasonable hours.

CHAPTER IV.

THE COMMON COUNCIL—ITS GENERAL POWERS AND DUTIES.

Common council—style of ordinances.

SECTION 1. The mayor and aldermen shall constitute the common council, and the style of all ordinances shall be, "the mayor and common council of the city of Appleton do ordain," etc. The common council shall meet at such time and place as they by resolution shall determine. A majority of the aldermen shall constitute a quorum. They shall hold stated meetings, and the mayor or acting mayor may call special meetings, by notice to each member, to be personally served or left at his usual place of abode. The common council shall determine the rules of its own proceedings, and be the judge of the election and qualifications of its own members, and have the power to compel the attendance of absent members, and impose penalties for absence.

Meetings.

Rules.

Powers of council.

SECTION 2. The common council shall have the management and control of the finances and property of the city, and shall likewise, in addition to the powers herein vested in them, have full power and authority to make, enact, ordain, establish, publish, enforce, alter, modify, amend and repeal all such ordinances, rules and by-laws for the government and good order of the city, for the suppression of vice, the prevention of crime, and for the benefit of health, trade and commerce thereof, as they shall deem expedient, declaring and imposing penalties, and to enforce the same against any person or persons who may violate any of the provisions of such ordinances, rules and by-laws; and such ordinances, rules and by-laws are hereby declared

to be and have the force of law: *provided*, that they be not repugnant to the constitution and laws of the United States or of this state; and for these purposes shall have authority by ordinances, resolutions or by-laws:

Licenses.

1st. To license and regulate the exhibitions of common showmen, or shows of any kind, or the exhibition of caravans, circuses or theatrical performances, billiard tables, bowling alleys, and to provide for the abatement of all nuisances under the ordinances or at common law; and to grant licenses to such persons as they may deem proper to keep saloons, groceries, taverns and victualling houses, wherever may be sold strong, spirituous, ardent or intoxicating liquors, beer, ale, wine or cider, to be drank on the premises, in a quantity less than one gallon, under such regulations, conditions and restrictions as they may deem expedient: *provided*, that such license shall not be less than thirty dollars nor more than seventy-five dollars a year, and that no license shall be granted for a term greater than the current corporate year by the present or any succeeding common council.

Rates of liquor licenses.

Gambling.

2d. To restrain and prohibit all descriptions of gambling and fraudulent devices and practices, and all playing of cards, dice or other games of chance, for the purpose of gaming in said city; and to restrain any person from vending, giving or dealing in spirituous, fermented or vinous liquors, unless duly licensed by the common council.

Riots.

3d. To prevent any riots, noise, disturbances or disorderly assemblages, suppress and restrain disorderly houses or groceries, and houses of ill-fame, and to authorize the destruction of all instruments used for the purpose of gaming.

Abate filthy places.

4th. To compel the owner or occupant of any grocery, cellar, tallow-chandler shop, soap factory, tannery, brewery, distillery, stable, barn, privy, sewer or other unwholesome, nauseous house or place, to cleanse, remove or abate the same from time to time, as often as may be deemed necessary for the health, comfort and convenience of the inhabitants of said city.

Slaughter houses and gunpowder.

5th. To direct the location and management of slaughter-houses and markets, and to establish rates for and license venders of gunpowder, and to regulate

the storage, keeping and conveying of gunpowder or other combustible materials.

6th. To establish public markets, build or purchase market houses, make rules for the government of the same, appoint suitable officers to oversee such markets, and to restrain all persons from violating or interfering with such rules; to license and regulate butchers' stalls, shops and stands for the sale of butchers' meat, game, poultry, fish, butter, provisions of all kinds, fruit and garden produce; to regulate the place and manner of weighing and selling hay, and measuring and selling fuel, and to appoint suitable persons to superintend and conduct the same; to regulate the size and weight of bread, and to provide for the seizure and forfeiture of bread baked contrary thereto; to license, regulate and prescribe the fees of hacks, cabs, omnibuses, drays and express wagons. Public markets, butchers' stalls, &c.

7th. To prevent the encumbering of streets, avenues, alleys, highways, sidewalks and crosswalks, with railway cars, locomotives, engine or engines, carriages, carts, wagons, sleighs, boxes, lumber, firewood or any other substances or materials whatever; to compel the owners or occupants of buildings or grounds to remove snow, dirt or rubbish from the sidewalks, streets, alleys, avenues and highways opposite thereto, and to compel such owner or occupant to remove from the lot owned or occupied by him, all such substances as the board of health shall direct, and in his default, to authorize the removal or destruction thereof by some officer of the city, at the expense of such owner or occupant; to prevent any person from bringing, depositing or having within said city any putrid carcass or other unwholesome substance, and to require the removal of the same by any person who shall have the same upon his premises, or shall have placed it upon the premises of another, and in default, to authorize the removal thereof, at the expense of such person or persons offending. Encumbering streets, &c. Putrid animal matters.

8th. To prevent horse-racing, immoderate riding or driving, the riding or driving of any horse, ox, mule or other animal on the sidewalks, or the doing any damage to such sidewalks, and to regulate the hours and places of swimming or bathing in the waters within the limits of said city. Racing and bathing.

9th. To restrain the running at large of cattle, Animals and dogs.

horses, swine, sheep, poultry and geese, and authorizing the distraining and sale of the same; to prevent the running at large of dogs, and to authorize the destruction of the same in a summary manner, when at large contrary to ordinance.

Pounds, water works, hacks, lamps, &c.

10th. To make and establish public pounds, wells, cisterns and reservoirs, and to provide for the erection of waterworks for the supply of water to the inhabitants, or as a protection against fire; to erect lamps and provide for lighting the streets, public grounds and public buildings with gas or otherwise: *provided*, that either of the foregoing may be had and established in any one ward of said city, at the expense of said ward, whenever a majority of the electors of such ward, voting at any election called by authority of the common council for the purpose, shall authorize the same so to be done.

Board of health.

11th. To make regulations for the board of health, provide hospitals and poor houses, purchase and control cemetery grounds, regulate the burial of the dead, the return of bills of mortality, and the exemption of burial grounds set apart for public use from taxation; to which end, said city may purchase and hold within or without the city limits, not exceeding three hundred and twenty acres of land for hospitals and poor houses, or cemetery purposes, and may issue city bonds for the purchase and improvement of the same, to an amount not exceeding five thousand dollars, at a rate of interest not exceeding seven per cent. per annum, and payable at such time as the common council may direct, not exceeding twenty years.

Firearms, fireworks, &c.

12th. To prevent the shooting of firearms or crackers, and to regulate and restrain the exhibition of fireworks.

Drunkenness, obscenity, &c.

13th. To restrain drunkenness and obscenity or vagracy in the streets or public places, and to provide for the arrest and punishment of the offender or offenders.

Runners.

14th. To restrain and regulate runners and solicitors for railways, steamers, vessels, stages, public houses or other establishments, and to establish and regulate the police of the city, and to appoint watchmen and prescribe their duties.

Auctions.

15th. To regulate the time, place and manner of holding public auctions, to provide for a standard of

weights and measures, and prescribe by ordinance the punishment for the use of false weights and measures.

16th. To protect trees and monuments. Trees.

17th. To regulate the construction of wharves or piers extending into Fox river, to prescribe and control the prices to be charged for wharfage or pierage, to prevent the throwing or depositing of any filthy or putrid substance, or any slabs, chips, shavings or other substance in said river, and, by ordinance, to construct, alter and maintain, or cause to be constructed, altered or maintained, at the expense of said city, or any of the wards, wharves along the banks of said river. Wharves, piers, &c.

18th. To regulate, control and prevent the landing of persons from railways, steamers, vessels or other conveyances, wherein are contagious or infectious diseases or disorders, and to make such disposition of such persons as to preserve the health of said city. Contagious diseases.

19th. To establish and regulate pest houses within or without the limits of said city. Pest houses.

20th. To prescribe and regulate the construction of all drains and sewers within said city. Sewers, &c.

21st. To lay out, make, open, keep in repair, alter or discontinue any highways, streets, avenues, lanes, alleys and public squares, to purchase land and to establish it for public parks or squares, and to keep them free from encumbrances, and protect them from injury: *provided*, that a record of the establishment and discontinuance of a highway, street, avenue, lane or alley shall be made in the office of the register of deeds of Outagamie county. Streets, alleys, public squares, &c.

22d. To alter or change the name of any street, to alter or vacate the recorded plat of said city, or any part thereof surveyed, platted and recorded in the office of the register of deeds of Outagamie county, upon petition, and upon such notice as is required in vacating town plats in the circuit court. Vacating streets, &c.

SECTION 3. The powers conferred upon the common council to provide for the abatement or removal of nuisances, shall not bar or hinder suits, prosecutions or proceedings in the courts according to law. Depots, houses and buildings of any kind wherein more than ten pounds of gunpowder are deposited, stored or kept at any one time, gambling houses, houses of ill-fame, disorderly taverns, and houses or places where spirituous, vinous or fermented liquors are sold without In relation to nuisances.

the license required therefor, are hereby declared and shall be deemed public or common nuisances.

Ordinances, &c. to be published.

SECTION 4. All ordinances, regulations and by-laws shall be passed by an affirmative vote of a majority of the common council, and shall be signed by the mayor or acting mayor, and shall be published in the official paper or papers of said city, before the same shall be in force; and within fifteen days thereafter, they shall be recorded by the city clerk in books to be provided for that purpose; but before any of said ordinances, regulations or by-laws shall be recorded, the publication thereof, respectively, within the said time, shall be proved by the affidavit of the printer, publisher or foreman of such newspaper, and said affidavit shall be recorded therewith, and at all times shall be deemed and taken as sufficient evidence of the time and manner of such publication. A printed copy of an ordinance, regulation, by-law or resolution, passed by the common council and published in an official newspaper of said city, or in pamphlet or book form, shall be *prima facie* evidence of its due passage and publication, and shall be received in evidence on the trial of all cases cognizable before any court in this state.

Affidavit of publication.

Evidence.

Appropriations.

SECTION 5. No appropriation shall be made without a vote of a majority of the common council in its favor, which vote shall be taken by ayes and noes, and entered among the proceedings of the common council; nor shall any appropriation be made for any purpose not authorized by this act, nor any judgment nor penalty recovered in favor of the city, be remitted or discharged, except by a majority of the aldermen elect.

Council to audit accounts of officers.

SECTION 6. The common council shall examine, audit and adjust the accounts of all officers and agents of the city, at such times as they may deem proper, and also at the end of each corporate year, and before the time for which the officers or agents of said city are chosen, shall have expired. The common council shall require each and every such officer and agent to exhibit his books, accounts, vouchers, moneys, and funds for such examination and settlement; and if any such officer or agent shall neglect or refuse to comply with the orders of the common council in the discharge of their duties, in pursuance of this section,

When office may be declared vacant.

or shall neglect or refuse to render his accounts or present his books, funds, moneys and vouchers to said common council, it shall be the duty of the common council to declare the office of the offending person vacant, and the city attorney shall thereupon institute suits and proceedings at law against any officer or agent so offending, who may be found delinquent or defaulting in his accounts; and a full record shall be made by the city clerk of all settlements and adjustments.

Council may investigate acts of officers.

SECTION 7. The common council shall have authority to investigate and examine into all and every official act and transaction of the mayor, any member of the common council, or any other officer or agent of the city, and also into all and every official act or transaction of every person who has heretofore been a member of the common council, or held any office under the city government; and for that purpose the mayor, acting mayor, president of the common council, or any member of any committee appointed by the common council, shall have power to administer all necessary oaths or affirmations to persons who may be called before the common council, or any such committee, to give testimony. The mayor, acting mayor, or president of the common council, is authorized and empowered to issue a subpena, by him signed, commanding any person to apper before the common council or committee designated, to testify concerning any matter under examination or investigation, as above provided, and to produce before the common council or such committee, any books, papers or documents relating to the matter under examination or investigation, and every person served with such process is hereby required to obey the same without the prepayment of fees.

Contempt—punishment.

SECTION 8. If any person shall neglect or refuse to appear and testify, and produce such books, papers and documents, as required by section seven of this chapter, the common council may declare him in contempt, and upon proof of service, it shall be the duty of the county judge of Outagamie county, or the judge of any court of record, upon the application of the mayor, acting mayor or president of the common council of said city, or any committee appointed by such common council, to issue a summary process,

either in term time or vacation, for such offending person, and to bring him before him, and then unless such person shall purge himself of contempt, and go before the common council or such committee, and testify and produce such books, papers or documents, to commit him to the common jail of Outagamie county, there to remain in close confinement until he shall so testify, or produce the books, papers or documents as required, or he is discharged by the common council or any such committee; and the jailer of such county is hereby required to receive and secure any such person pursuant to any such commitment.

How examination may be had.

SECTION 9. The examination and investigation hereinbefore provided for may be had, done and taken by the common council when in session, or by a committee to be appointed by the common council, who are authorized to perform such duties when that body is not in session.

Evidence.

SECTION 10. Any admission which any person shall make when testifying before such committee or the common council, shall not be used against him as evidence in any civil or criminal suit.

CHAPTER V.

FINANCES AND TAXATION.

Council to manage funds.

SECTION 1. All funds in the treasury, except state, school and county funds, and the special funds for street improvements, as provided for in section seven of chapter seven of this act, shall be under the control of the common council, and shall be drawn out upon the order of the mayor and clerk, duly authorized by a vote of the common council, and all orders drawn upon the treasurer shall specify the purpose for which they were drawn, and shall be payable from its appropriate fund only.

Annual tax—limit.

SECTION 2. The common council shall annually levy upon the taxable property of said city, to defray the current expenses of the city, as follows: For the support of the poor, a tax not exceeding one thousand five hundred dollars; for ward purposes, a tax not exceeding one-fourth of one per cent. upon all the taxable property of each ward, and, for all other purposes, except for principal and interest upon city bonds which have been or may hereafter be issued, a tax not ex-

ceeding four thousand dollars: *provided*, that nothing herein contained shall be so construed as to lessen or interfere with any ward or city tax elsewhere authorized to be levied and collected by the provisions of this act, when such tax has been duly authorized by a vote of the people of the ward or city; *and provided, further*, that this section shall not be so construed as to conflict with any general law of this state authorizing the levying and collection of taxes to pay bounties to volunteers, or for the support of the families of volunteers.

Proviso.

Bounty taxes to volunteers.

SECTION 3. Whenever it shall be necessary to build new bridges, or to aid in the construction of a railway bridge, a special tax may be levied for such purposes, not exceeding five thousand dollars in any one year, and when so levied, the same shall be carried out in a separate column in the assessment roll, particularly specifying the purposes for which such tax is levied, and the said taxes, when so levied, shall be collected at the same time as other city taxes are collected.

Bridges—special taxes.

SECTION 4. Upon the approval of the aldermen of each ward of any debts contracted by such ward for the current year, the said common council shall allow the same, if such debt be a proper charge against said ward, and direct the mayor and clerk to issue orders of the city to the amount allowed to the persons entitled thereto: *provided*, that the common council shall in no case allow any such debt, if such allowance will cause the whole amount of orders issued to meet the indebtedness of such ward, to exceed the amount of ward tax which may be levied pursuant to this chapter, to meet the ward expenses for the current year, assuming as a basis the tax list of such year, if then made out, if otherwise, the tax list of the preceding year; and any alderman who shall contract debts against his ward, in any one year, to an amount greater than authorized by this act, shall be personally responsible for the same, as if it was a liability personally contracted; and no action or legal proceeding shall be maintained against the ward or the city therefor: *provided*, that no action shall be maintained against an alderman, under the provisions of this section, without proof of his assent to the contracting of the liability by the ward.

Ward debts.

Not to exceed tax.

Personal liability

Proviso.

SECTION 5. No account shall be allowed by the common council, unless the same is verified by the owner thereof, or some person in his behalf, which verification

Verification o accounts.

shall be substantially as follows: "I, ——, being duly sworn, depose and say, the above account is just and true, and the same has not been paid, or any part thereof, and that the same accrued by the order of ——. Subscribed and sworn to before me, this —— day of ——, A. D. ——."

Accounts to be presented within one year.

SECTION 6. No account against the city or any ward shall be allowed by the common council or collected in any court, unless the same was presented for allowance within one year from the time the same accrued.

Assessment roll —equalization.

SECTION 7. It shall be the duty of the city clerk, annually, upon the receipt of the assessment roll, to lay the same before the common council, who, with the mayor, city clerk and assessor, shall constitute the city board of equalization, and shall meet at the office of the common council on the first Monday of July, in each year, at nine o'clock in the forenoon, and shall proceed, in all respects, so far as practicable, as town boards are required to proceed, to make such amendments, corrections and alterations, and to review, correct and equalize the assessments of the several wards, in their order. The mayor shall be president of the board of equalization, and the city clerk the clerk thereof, and all changes made in the assessment roll shall be recorded by such clerk. When the assessment roll has been duly equalized and corrected, the common council may, at any time thereafter, proceed to levy upon the whole amount of such assessment so equalized and corrected, such a per centage of tax as a majority of the common council shall deem necessary for all corporation purposes for the current year, subject to the restrictions contained in this act.

Levy of tax.

Taxes a lien on lands.

SECTION 8. All taxes and assessments, general or special, levied by virtue of this act, shall be and remain a lien upon the lands and tenements upon which they may be assessed, and upon all personal property of any person or body politic, assessed for personal taxes, from the delivery of the warrant for the collection thereof, until such tax shall be paid, and no sale or transfer of such real or personal estate shall affect said lien. Any personal property belonging to the person taxed, may be taken and sold for the payment of taxes upon personal property.

Personal property may be taken.

Tax list to be copied.

SECTION 9. As soon as said tax shall be levied, the city clerk shall cause the same to be copied in a book

provided for that purpose, setting opposite to each tract of land, and to each person named, under propor columns, such sum or sums as may be levied upon such lot or against such person. The said copy shall be designated "the tax list," and to it shall be appended a warrant, signed by the mayor and clerk, and sealed with the corporate seal of the city, directed to the treasurer, requiring and commanding him to collect the taxes and assessments in said list specified, in the manner prescribed by this act. Before delivering such tax list to the treasurer, the city clerk shall compare it with the assessment roll as confirmed, and shall add to it his certificate, that the same has been by him compared, and that it is a true, full and complete copy of such assessment roll; and the tax list, when so certified, shall be *prima facie* evidence in every court, that the lands and persons therein named were subject to taxation, and that the assessment was just and equal.

Warrant.

List to be compared, &c.

SECTION 10. All the general laws of this state which are now or may be hereafter in force relative to the assessment and collection of taxes, shall be in force in said city, except as otherwise herein specially provided; and the city treasurer shall proceed to collect the taxes and all assessments of said city, at the same time and in the same manner as is required by law of the town treasurers to collect taxes; and all unpaid taxes and assessments shall, in like manner, be returned to and collected by the county treasurer; but the five per cent. included in said return as collection fees, shall, when collected, be paid over to the city treasurer, and by him placed in the general fund of the city, for the use and benefit of the city. The city treasurer shall be entitled to charge, collect and receive for said city, as fees for the collection of taxes and assessments, two per cent. on all sums collected by or paid to him prior to the first day of January, in each year, and five per cent. on all sums collected by or paid to him after said day and before his return to the county treasurer. The city treasurer shall, upon the receipt of the tax list, publish a notice in the weekly newspapers printed in the city, specifying that all taxes and assessments, whether upon real or personal property, in said tax list, shall be paid on or before the eighth day of January next ensuing, at his office in said city, and that all taxes and assessments not paid by that day, will be col-

Collection of taxes.

Treasurer's fees.

Notice to be published—what to specify.

lected by the seizure and sale of the goods and chattels of the person, company or corporation charged with such taxes and assessments; and the publication of such notice shall be deemed and taken to be a demand, and failure to pay such taxes and assessments within the time limited in such notice, shall be deemed a refusal to pay the same.

Sales to the city for taxes.

SECTION 11. If at any sale of personal estate, for taxes or assessments, no bids shall be made for any goods or chattels offered, the same shall be struck off to the city, and thereupon the city shall receive in its corporate name, a certificate of sale, and shall be vested with the same rights as other purchasers; and personal property so purchased by the city, shall be subsequently sold by the marshal at public auction, and the avails thereof paid to the city treasurer.

Taxes on lands omitted.

SECTION 12. If it shall appear to the assessor, that any lot or parcel of land was omitted in the assessment roll of either or both of the two preceding years, and that the same was then liable to taxation, he shall, in addition to the assessment for that year, assess upon the lot or tract so omitted, for such year or years that it shall have been so omitted, the just value thereof, noting the year when such omission occurred; and such assessment shall have the same force and effect as it would have had, if made the year when the same was omitted; and the common council shall direct, in addition to the tax for the current year, such tax to be levied upon such lot or tract as the same would have been chargeable with, had not the same been so omitted, and such tax shall be collected as other taxes or assessments for the current year. All lands shall be subject to taxes that may have been omitted, in whosoever hands they may have come. Should the taxes or assessment upon any parcel of land be set aside or declared void, by reason of any defect or informality in the assessing, levying, selling or conveying the same, but not affecting the equity and justice of the tax itself, the common council shall cause the tax or assessment so set aside or declared void, to be relevied in such manner as they shall by ordinance direct: *provided*, that if the defect was in the assessment, the same shall be again assessed at such time as the common council shall direct; and the said tax or assessment so reassessed or relevied, shall be and continue a lien upon

Reassessment.

said lot or tract, and shall be collected as other taxes and assessments are collected under this act.

Bonds—amount of taxes—liability.

SECTION 13. The common council shall not have power to issue any bonds or other evidences of debt, payable at a day subsequently to the date thereof, except in cases authorized by this act or some law of the state; nor shall the common council issue, in any one year, orders upon the city to an amount greater than the surplus funds on hand, and the amount of taxes which may be levied under the provisions of this act; and in case a greater amount of orders shall be issued than is herein provided, the members of the common council shall be personally liable therefor, and the amount of such excess may be collected of them, or any of them, by any person holding such orders, in any court of competent jurisdiction: *provided*, that no alderman shall be held liable as aforesaid, without proof of his assent to the issue of such excess of orders.

When warrant may issue to marshal.

SECTION 14. Whenever the taxes upon personal property shall not be paid by the 15th day of January, of any year, the treasurer may issue his warrant, directed to the city marshal, commanding him to collect such unpaid taxes; and for such purpose, the city marshal shall have all the powers and be subject to the same liabilities and be entitled to the same compensation as is now provided by the charter of said city; and the said warrant, when so issued, shall be returnable before the expiration of the time allowed by law to the said treasurer for the collection of said taxes.

Errors shall not vitiate, &c.

SECTION 15. All the directions hereby given for the assessing of lands and the levying and collection of taxes and assessments, shall be deemed only directory, and no error or informality in the proceedings of any of the officers intrusted with the same, not affecting the substantial justice of the tax itself, shall vitiate or in any wise affect the validity of the tax or assessment.

Setting aside of assessments.

SECTION 16. No person shall be permitted to institute any proceedings to set aside any assessment or special tax hereafter levied or assessed upon any lot or tract of land, or to set aside or to set up or interpose any objections to the title derived by virtue of any deed executed in consequence of the non-payment of such taxes and of the sale of the premises therefor, unless

such person shall first pay or tender to the proper party, or deposit for his use with the treasurer, the amount of all state, county and city taxes that may remain unpaid upon such lot or tract, together with the interest and charges thereon.

Board not to change relative valuation of the wards.

SECTION 17. The county board of equalizers of Outagamie county, shall equalize the assessment roll of the city with the assessment rolls of the towns in that county; but in such equalization, shall consider the assessment roll of the city as an entire roll, and shall not change the relative valuation of the different wards.

Board may levy tax.

SECTION 18. The county board of supervisors may levy taxes, as now provided by law, but shall therein proceed without regard to the division of the city into wards, and shall cause the amount of taxes to be levied and the various purposes to be certified to the city clerk, as prescribed by law; and the city clerk shall make out a tax list for that purpose, and shall deliver the same to the city treasurer, as provided by law.

Laws governing treasurer.

SECTION 19. The city treasurer in collecting such taxes and making his return to the county treasurer, and in all other respects not herein provided for, shall conform to the general laws of the state, except that the return to the county treasurer shall be for the city and not for the wards.

Collection of taxes on personal property.

SECTION 20. In case the city treasurer is unable to collect any tax assessed upon any personal property, and payable by any person named in the tax list, he shall proceed in all things according to chapter 18 of the revised statutes, and the acts amendatory thereto, in bringing the delinquent person before some justice of the peace, and such proceedings shall be had as is provided by said chapter 18, and as is prescribed by chapter 198 of the general law of 1860, and any act that may be hereafter passed amendatory to said act, or in addition thereto.

CHAPTER VI.

OPENING OF STREETS, ALLEYS, ETC.

Laying out public grounds, &c.

SECTION 1. The common council shall have power to lay out and establish public grounds and squares, streets, alleys and highways, and to widen the same, as follows: Whenever ten or more freeholders, residing in

any ward, shall represent, by petition to the common council, that it is necessary to take certain lands within the ward where said petitioners reside, for public use, for the purpose of laying out public squares, grounds, streets, alleys or highways, or the enlarging or widening the same, the courses, distances and quantities of the lands proposed to be taken, as near as may be, together with the names and residences of the owners, if known to said petitioners, the common council shall thereupon cause notice of such application to be served upon the actual occupant or occupants of such lands, if any there be; and if any portion of such lands shall not be in the actual occupation of any person, then the common council shall cause such notice, describing as near as may be the premises proposed to be taken, to be published in the official paper or papers, at least once in each week, for two weeks successively.

What notice to state.

SECTION 2. Such notice shall state that upon a day therein to be named, not less than five days from the service of such notice or the expiration of such publication, as the case may be, application will be made to the county judge, or a court commissioner of Outagamie county, naming such officer, for the appointment of twelve jurors to view the premises proposed to be taken, determine whether it will be necessary or expedient to take the same for the purposes specified in said petition, and to ascertain, appraise and determine the value of the land and the amount of damages to be paid to the owner or owners of the property determined to be taken.

Precept to jury.

SECTION 3. Upon presentation of such application, and upon proof of the publication or service of the notice hereinbefore required, the said judge or court commissioner shall thereupon appoint as such jurors, twelve reputable freeholders, citizens and residents of said city, but not residents of the ward in which said premises may lie, nor personally interested in the result of such application. The said judge or court commissioner shall thereupon issue his precept, directed to said jurors, requiring them within five days thereafter, to view the premises to be specified in said precept, and to make a return under their hands to the common council, whether in their judgment it is necessary to take the premises specified, or any adjoining premises, for the purpose specified in such application, and also

to make return of the value of the lands and the amount of damages to be paid to the owner or owners, respectively, of the property to be taken.

Service of precept.

SECTION 4. The city marshal or county coroner shall forthwith serve this precept on the jurors named, by reading the same to each of them that can be found, and immediately after such service, he shall return the precept, with his doings thereon, to the officer who issued the same.

Vacancy in jury.

SECTION 5. If any of the jurors so appointed cannot be found, or shall be disqualified from acting, or shall refuse to act, the judge or court commissioner shall appoint others in their places, and shall indorse such substitution on the precept.

Oath to jurors.

SECTION 6. The said judge or court commissioner, or in his absence, any person authorized to administer oaths, shall thereupon administer an oath to said jurors, that they are freeholders of said city, and not interested in the premises proposed to be taken, and that they will faithfully and impartially discharge the trusts reposed in them.

Jurors to view premises, &c.

SECTION 7. The said jurors shall, at such time as they agree upon, without unnecessary delay, proceed in a body to view the premises in question, and shall hear such testimony as may be offered by any party interested, which testimony shall be reduced to writing by one of the jurors, and either of the jurors shall be authorized to administer the necessary oaths to witnesses.

Report.

After viewing the premises and hearing the testimony, the jurors shall make a report of their proceedings, which shall be signed by them, respectively, and which shall state whether in their judgment it is necessary and expedient to take the premises in question or adjoining premises, for the public use; and in case they find it necessary to take such premises, they shall report in parcels the value of the lands and the amount of damages awarded by them, which report, testimony and precept shall be returned to the city clerk within the time limited in said precept, and which award shall be final and conclusive: *provided*, that in case said jurors determine that it is necessary to take adjoining premises, not included in the original petition, the judge or court commissioner, on application of the jurors, shall extend the time, by indorsement on the precept, for a sufficient period to secure notice to the occupant

or owner of such premises, by personal service or by publication of the time and place when such jurors will receive testimony relative to the value of such adjoining premises, and the amount of damages to be awarded; *and provided, further*, that if the occupant or owner of any of the premises so viewed, shall show to the common council that he or she has other or further testimony, not previously attainable, which will tend to establish a greater value to the land proposed to be taken, or a greater amount of damages, the common council shall remand the case to the jurors to receive and act upon such testimony, and when their report is again presented, it shall be final and conclusive.

Jurors' award in certain cases.

SECTION 8. If the lands or buildings belong to different persons, or if the land be subject to lease, judgment or mortgage, or if there be any estate in it less than an estate in fee, the injury done to such persons or interests, respectively, may be awarded to them by the jurors.

Lands not to be taken until damages are paid.

SECTION 9. The lands taken for the purposes mentioned in this chapter, shall not be appropriated to the public use, until the damages awarded therefor to each owner thereof, shall be paid or tendered to such owner or his agent, or in case the said owner or agent cannot be found, or is unknown, deposited to his credit with the county treasurer of Outagamie county, and then and not before, such lands may be taken and appropriated for the purposes required; and the same shall thereafter be subject to all the ordinances and regulations of the city, in the same manner as streets, alleys and public grounds heretofore opened or laid out: *provided*, that the damages awarded by the aforesaid jurors shall be paid, tendered or deposited as hereinbefore required, within one year from the date of the filing of said award and report with the city clerk, and if not so paid, tendered or deposited, all the proceedings in such case shall be null and void.

Filing of vouchers with clerk that damages have been paid, &c.

SECTION 10. It shall be lawful for any person to pay, tender or deposit, as hereinbefore required, at any time within one year from the date of the filing of the award and report of the jurors, the damages awarded in any case arising under this chapter; and whenever proper vouchers and evidence are filed with the city clerk, that said damages have been so paid, tendered or deposited by any person, it shall be the duty of the

common council to enter an order among their proceedings, to take and appropriate such lands for the purpose required; and all expenses arising out of the provisions of this act, shall be chargeable to the ward wherein the lands taken shall lie, except for public grounds or parks, which shall be paid out of the general fund of the city.

Lands under lease.

SECTION 11. When the whole of any lot or tract of land or other premises, under lease or other contract, shall be taken by virtue of this chapter, all the covenants, contracts or engagements between landlord and tenant, or by any other contracting parties, touching the same, or any part thereof, shall, upon the filing of the award and report of the commissioners [jurors,] cease and be absolutely discharged.

Ibid.

SECTION 12. When only part of a lot or tract of land or other premises, so under lease or other contract, shall be taken for any of the purposes aforesaid, all the covenants, contracts or agreements respecting the same, upon the filing of such report, shall be absolutely discharged as to the part thereof taken, but shall remain valid as to the residue thereof; and the rents, considerations and payments reserved, payable and to be paid for or in respect to the same, shall be so proportioned that the part thereof justly and equitably payable for such residue thereof, and no more, shall be paid or recoverable for in respect to the same.

Proceedings when owner is a minor.

SECTION 13. When any known owner of lands or tenements affected by any proceedings under this chapter, shall be an infant, or labor under legal disability, the judge of any court of record in said county may, upon the application of the common council, or such party or his next of kin, appoint a guardian for such party, and all notices required by this chapter shall be served upon such guardian.

Survey and profile.

SECTION 14. Whenever any public ground, street, avenue, highway or alley shall be laid out, widened or enlarged under the provisions of this chapter, the common council shall cause an accurate survey and profile thereof to be made and filed in the office of the city clerk, and shall also cause the same to be recorded in the office of the register of deeds of Outagamie county.

CHAPTER VII.

CITY IMPROVEMENTS.

SECTION 1. The street commissioner shall adopt general regulations, subject to the approval of the common council, requiring the owners or occupants of lots to cleanse and repair the sidewalks, streets, avenues and alleys adjoining such lots, and to employ any person or persons to cleanse and repair such sidewalks, streets, avenues and alleys, when such owner or occupant aforesaid shall neglect or refuse so to do. At some period prior to the delivery of the annual tax list to the city treasurer, under this charter, it shall be the duty of the street commissioner to make a report to the city clerk of the amount of tax properly chargeable against each lot for work done under this section, for any period not exceeding one year prior to such report, and such amount shall be a lien upon such lot, and be levied thereon as a special tax, with all the legal consequences, both as to the collection of taxes and sale of such lot, prescribed in this act for special taxes.

Street commissioner.

Report, &c.

SECTION 2. The street commissioner shall give notice to all owners or occupants of lots or lands which may be deemed injurious to health, by reason of stagnant water remaining thereon, to abate such nuisance, by draining or filling such lots or lands within a reasonable time to be specified; and if such nuisance shall not be abated or removed within the time so specified, the street commissioner shall cause the same to be abated or removed, and the expense thereof shall be charged to and collected from said lots or lands, as provided in section one of this chapter.

Unhealthy locations.

SECTION 3. The cost and expense of surveying streets, alleys, sidewalks, sewers, and of estimating work thereon, and of constructing and repairing public wells and reservoirs, shall be chargeable to and payable out of the fund of the proper ward. Opening, grading, graveling, planking or paving streets and alleys to the center thereof, shall be chargeable and payable by the lots fronting on such street or alley. Sewers may be ordered by the street commissioner, and built at the expense of the lots or parcels of land benefited thereby, which shall be apportioned among said lots or parcels of land by the street commissioner, with the assistance of the city surveyor: *provided, however*, that where

Expense of surveying—how paid.

Provisos.

sewers are constructed through alleys, no lots shall be assessed therefor, except those situated in the block or blocks through which said sewers may be constructed; and where sewers are constructed through streets, no lots shall be assessed therefor, except those situated in the blocks fronting on such streets; *and provided, further*, that in all cases where improvements or work of any kind are charged by virtue of this section upon lots benefited, all such improvements across streets, alleys and public grounds, shall be made and paid for out of the fund of the proper ward, in proportion to the width of the street, alley or public ground.

Powers of commissioners.

SECTION 4. The street commissioner shall not have power to make, grade, gravel or pave any street, avenue, alley or public grounds, or to construct any well, reservoir, gutter, sewer or sidewalk, unless the same shall have been first duly authorized by an order of the common council, to be entered in their proceedings: *provided*, that nothing herein shall be so construed as to prohibit the street commissioner from making or causing to be made, all necessary repairs to any sidewalk, street, avenue, alley, public grounds, wells, reservoirs, sewers and gutters; *and provided, further*, that he shall be at liberty to construct public wells in any ward, whenever the aldermen of such ward make a written order directing him so to do; but there shall not be more than one such well to any four blocks upon any one street or avenue. Hereafter, no special improvements shall be ordered by the common council, exceeding in estimated cost the sum of two hundred dollars, unless more than one-half the owners of the lands or lots to be taxed for such improvement, shall petition, in writing, for the same, or unless the same shall be ordered by a vote of a majority of the aldermen elect. If the common council order any special improvement to be made, or pass any ordinance requiring any special improvement to be done, the vote thereon shall be taken by yeas and nays, and entered upon the journal of proceedings of said common council; and no special improvement shall be valid or binding, unless said vote be so taken and recorded.

When special improvements must be petitioned for.

Estimate of expense to be filed.

SECTION 5. Whenever the street commissioner shall determine to make any public improvement, as authorized by sections three and four of this chapter, he shall cause to be made, and file in his office, an esti-

mate of the whole expense thereof, and of the proportion to be assessed and charged to each lot or parcel of land, and in case of grading streets, avenues, alleys, highways or sidewalks, of the number of cubic yards to be filled in or excavated in front of each lot or tract of land, and such estimate shall be open to the inspection of all parties interested. The street commissioner shall give notice personally, or by advertisement in the official paper or papers printed in the city of Appleton, to the owners or occupants of the lots or parcels of land fronting on any street, avenue, alley, highway or sidewalk ordered to be graded, graveled, planked or paved, requiring them to do the work mentioned in such notice, within a reasonable time, therein to be specified; and if the said work shall not be done within such time, the street commissioner shall enter into contract for the doing thereof.

Publication of notice to owners.

SECTION 6. Whenever the general interest of the city or ward requires deep cutting or extraordinary filling of any street, and the owners of the lots or lands fronting on such deep cutting or filling shall deem themselves aggrieved thereby, and shall, within fifteen days after the service or first publication of the notice requiring the improvement to be made, represent to the commissioner, in writing, that the expense of such excavation or filling will exceed the benefit the same will be to the property assessed therefor, the street commissioner shall report the same to the common council, who, or a majority of them, shall examine the premises; and if in their opinion the costs of such work shall exceed the benefit derived therefrom, it shall be their duty to determine in writing, subscribed by them, and preserved with the records of said city, what portion of such work shall be chargeable to such lots or parcels of land, and how much or what portion shall be chargeable to the ward fund; and such proportion as shall be reported as properly chargeable to the lots or parcels aforesaid, shall be assessed upon the same, and levied and collected as other taxes and assessments, and the remainder shall be paid out of the ward fund: *provided, however*, any party feeling himself aggrieved by the determination of the common council, may, within ten days from the date thereof, appeal to the circuit court, as hereinbefore provided.

Excavation, &c.

Remonstrance.

Council to examine premises, &c.

Appeal.

Commissioner's certificate for work done.

SECTION 7. After the completion and performance of any contract entered into by the street commissioner, for work chargeable to lots or lands, by virtue of this chapter, he shall give to the contractor or contractors a certificate, under his hand, stating therein the amount of work done by such contractor, the nature thereof, and the description of the lot or parcel of land upon which the same is chargeable, which said certificate may be transferred by indorsement thereon; and if the amount thereof shall not be paid before the time of making out the annual assessment roll or tax list, the same shall be levied upon the said lots or parcels of land, respectively, and collected for the use and benefit of the holder of such certificate, as other taxes on real estate are collected by virtue of this act; and if the notice to do the work required, shall have been given as herein provided, no informality or errors in the proceedings shall vitiate such assessment and levy: *provided*, that in no event not herein authorized, where work is ordered to be done at the expense of any lot or parcel of land, shall either the city or any ward be held responsible for the payment thereof.

Expense of opening highways.

SECTION 8. The one-half of the expense of opening, grading or graveling any highway which now is or may hereafter be laid out and established through the unplatted portions of the city, shall be chargeable to and payable out of the ward fund wherein such highway shall lie, and the balance of such expense shall be chargeable to the tracts or parcels of land fronting on such highway.

CHAPTER VIII.

FIRE DEPARTMENT.

Fire limits.

SECTION 1. The common council, for the purpose of guarding against the calamities of fire, shall have power, and it shall be their duty, to prescribe the limits within which wooden buildings, or buildings of other materials that shall not be considered fire proof, shall not be erected, placed or repaired, and to direct that all and any buildings within the limits prescribed, shall be made and constructed of fire proof materials, and to prohibit the repairing or rebuilding of wooden buildings within the fire limits,

where the same shall have been damaged to the extent of fifty per cent. of the value thereof, and to prescribe the manner of ascertaining such damage.

Council may prevent the construction of dangerous buildings, &c.

SECTION 2. The common council shall have power to prevent the dangerous construction and condition of chimneys, fire-places, hearths, stoves, stove-pipes, ovens, boilers and apparatus used in and about any building, and to cause the same to be removed or placed in a safe and secure condition when considered dangerous; to prevent the deposit of ashes in unsafe places; to require the inhabitants to provide as many fire-buckets and in such manner and time as they shall prescribe, and to regulate the use of them in time of fire; to regulate and prevent the carrying on of manufactories dangerous in causing and promoting fires; to regulate and prevent the use of fireworks and firearms; to compel the owners and occupants of buildings to have scuttles in the roofs, and stairs or ladders leading to the same, and also to provide wells or cisterns on their premises; to authorize the mayor, aldermen, fire-wardens and other officers of the city to keep away from the vicinity of any fire all idle and suspected persons, and to compel all bystanders to aid in the extinguishment of fires and in the preservation of property exposed to danger thereat, and, generally, to establish such regulations for the prevention and extinguishment of fires as the common council may deem expedient.

May purchase fire engines, &c.

SECTION 3. The common council shall have full power to purchase fire engines and other fire apparatus, and to authorize the formation of fire-engine, hook and ladder and hose companies, and to provide for the due and proper support and regulation of the same, and to order such companies to be disbanded and their meetings prohibited, and their apparatus to be delivered up.

Fire companies.

Each company shall not exceed seventy able-bodied men, between the ages of eighteen and fifty years, and may elect their own officers and form their own by-laws, not inconsistent with the laws of this state or the ordinances or regulations of said city, and shall be formed only by voluntary enlistment.

Exemption.

Every member of each company hereby authorized to be formed, shall be exempt from service as a juror, and from military duty, during the continuance of such membership; and any person having served for the

term of seven years in either of said companies, shall be forever thereafter exempt from military duty, except in case of insurrection or invasion.

Chief engineer, &c.

SECTION 4. There shall be a meeting of the members of said companies on the third Monday of April, in each year, at such place as may be designated by the chief engineer, when they may nominate and recommend to the common council one chief engineer and three assistant engineers, and four fire-wardens, and the common council shall thereupon confirm or reject said nominations, and the persons so appointed shall perform such duties as the common council may prescribe.

Duties of fire wardens.

SECTION 5. It shall be lawful for said fire-wardens, at any time in the discharge of their duties, to enter any building or inclosure, for the purpose of inspecting the same.

Fines.

SECTION 6. One-half of the net proceeds of all fines and penalties recovered for any breach of any ordinance or regulation made in pursuance of this chapter, shall be paid to the fire department, and the remainder to the poor fund.

Penalty for refusing to work at fires.

SECTION 7. Whenever any person shall refuse to obey any lawful order of any engineer, fire-warden, mayor or alderman at any fire, it shall be lawful for the officer giving such order to arrest, or to direct orally the marshal, constable, watchman or any citizen to arrest such person, and to confine him temporarily in some safe place, until such fire shall be extinguished; and in the same manner such officers, or any of them, may arrest or direct the arrest and confinement of any person at such fire, who shall be intoxicated or disorderly; and any person who shall refuse to obey any such lawful order, or who shall refuse to arrest or aid in arresting any person so refusing, shall be liable to such penalty as the common council may prescribe, not exceeding fifteen dollars.

Sack company—their duties.

SECTION 8. The common council shall have power to organize a sack company, to consist of not more than thirty members. Such company shall constitute a part of the fire department, and at fires shall be subject to the control of the chief engineer. The members of said company, either collectively or individually, are hereby authorized and empowered to act as a special police in and for the city of Appleton, and are here-

by vested with all the powers and authority which now is, are, or hereafter may be vested in any police officer of said city, and shall be entitled to all the rights and immunities of members of the fire department. At fires they shall take charge of all property which may be exposed or endangered, and shall, as far as it may be in their power, preserve the same from injury or destruction. Said company may, from time to time, adopt such by-laws and regulations as they may deem necessary, not inconsistent with the laws of this state. The members of said company shall not be entitled to any pay or compensation for services rendered in their official capacity. They shall, in case of a riot or disturbance of the peace, have free access to all licensed places of amusement in the city, and shall perform such services as may be necessary for the peace and good order of the same. The members of said company shall severally take an oath or affirmation that they will faithfully discharge the duties of their said office; and when any member of said company shall cease to be a member thereof by resignation, expulsion or otherwise, a notice thereof shall be given to the city clerk, and they shall preserve a record of all the members of said company. No compensation

CHAPTER IX.

SUPPORT OF THE POOR.

SECTION 1. All laws of this state for the relief and support of the poor in towns, shall apply to said city, and the common council may annually levy a tax, not exceeding $1,500, to comply with the provisions of such laws; such tax to be levied and collected in the same manner as annual city taxes. And the common council shall appoint one or more suitable persons to act as overseers of the poor of said city, who shall perform all the duties of overseer of poor in towns, and such other and further duties as the common council shall prescribe. Poor tax.

CHAPTER X.

PUBLIC SCHOOL SYSTEM.

SECTION 1. The supervision of public instruction in said city, shall be vested in a board of education, consisting of the mayor and the director and clerk of each school district. The city superintendent of schools Board of education.

shall be *ex officio* a member of said board, but shall not be entitled to a vote.

Meetings of board.

SECTION 2. Regular meetings of said board shall be held on the last Saturdays of December, March, June and September, in each year, at such stated hour as said board may designate, and special meetings may be called by the city superintendent, or any two members of the board, by leaving written notice thereof at the residence of each member.

Presiding officer.

SECTION 3. A majority of the whole board shall be necessary to constitute a quorum for business. The mayor shall preside at all meetings, but in his absence any one of the members present may be chosen a chairman *pro tem.*

Duties of board.

SECTION 4. The duties of the board of education shall be as follows. 1. To elect annually, at the regular meeting in June, a city superintendent of schools, and one of their number to officiate as clerk. Such clerk shall keep a record of the proceedings of each meeting, and discharge such other duties as the board may direct. 2. To arrange and determine the boundaries of school districts, and to form new districts, subject to the approval of the common council. 3. To arrange terms and vacations of all public schools, and establish uniformity in the school system. 4. To require uniformity in text books, and to adopt or reject text books at will. 5. To institute uniform regulations for schools, not conflicting with the constitution or laws of this state.

Duties of superintendent.

SECTION 5. The duties of the city superintendent shall be as follows. 1. To examine all applicants for teachers' licenses, in the branches taught in the public schools of said city, and, if approved, give them certificates authorizing them to teach in said city. 2. To annul a teacher's certificate whenever he may think proper: *provided*, that such teacher shall have the right to appeal to the board of education. 3. To visit each school department in said city at least twice during each term. 4. To report to the board of education at each regular meeting, relative to the condition of the schools under his supervision, to make such recommendations as shall in his judgment conduce to their welfare, and to perform such other duties as may be required of him by the board.

Compensation.

SECTION 6. The members of the board of education

shall not be entitled to any compensation for their services; but the common council shall provide them with all necessary books and stationery, and a suitable place to hold their meetings, and the common council may, in its discretion, allow a reasonable compensation to the clerk of the board of education.

SECTION 7. All the laws of this state relative to public schools, so far as the same shall be applicable, and not inconsistent with the provisions of this chapter, shall apply to the city of Appleton. Application of laws.

CHAPTER XI.

MISCELLANEOUS PROVISIONS.

SECTION 1. All powers conferred upon the towns or cities of this state to vote, levy and collect special taxes to provide bounties to volunteers in the service of the United States or of this state, or to support the families of such volunteers, or their widows and fatherless children, shall be of full force and effect in said city; and whenever a majority of the electors voting at any election called for the purpose, shall vote to levy a tax for the purpose of providing bounties to volunteers, the mayor and clerk shall forthwith proceed to issue a special tax list, based upon the preceding assessment roll, conforming in all respects to the annual tax list; and the city treasurer shall proceed to collect the same within thirty days thereafter, in accordance with the laws for the collection of annual taxes, and immediately thereafter make return of all delinquent taxes to the county treasurer of Outagamie county. Bounties to volunteers.

SECTION 2. All work for the city, or any ward therein, or any school district, when the amount exceeds fifty dollars, shall be let by contract to the lowest bidder, and due notice shall be given of the time and place of letting such contract. All work to be let by contract.

SECTION 3. All actions brought to recover any penalty or forfeiture under this act, or the ordinances, fire, health or police regulations made in pursuance thereof, shall be brought in the corporate name of the city. It shall be lawful to declare, generally, in debt for such penalty or forfeiture, stating the clause of this act, or ordinance or regulation, under which the penalty or forfeiture is claimed, and to give the special matter in evidence under it. Actions—how brought.

Prosecutions.

SECTION 4. In all prosecutions for any violation of any of the provisions of this act, or any ordinance or regulation, the first process shall be a summons, unless oath be made for a warrant, as in other cases.

Summons.

SECTION 5. When the action is commenced by summons, the complaint therein may be substantially in the following form:

Form.

"THE CITY OF APPLETON
against
——— ———. } In justice court.

"The plaintiff complains against the defendant, in an action of debt, for that the defendant did, on the ——— day of ——, 18—, violate section ——— of an ordinance, (or regulation, describing it by its title,) which said ——— is now in force. By reason of such violation, an action hath accrued to the city of Appleton, to recover of the defendant the sum of ——— dollars debt. Wherefore, the plaintiff demands judgment against the defendant for the sum aforesaid, besides the costs of this action."

Complaint.

SECTION 6. In all cases where the oath is made for a warrant, the complaint shall be made on the oath of the complainant, and no other affidavit shall be necessary, which complaint last above named, may be substantially in the following form:

"THE CITY OF APPLETON
against
——— ———. } In justice court.

Form.

"STATE OF WISCONSIN,
OUTAGAMIE COUNTY, } ss.

"——— being duly sworn, complains on oath to———, a justice of the peace of the city of Appleton, that ——— did, on the ——— day of ———, 18—, violate section ——— of an ordinance (or regulation) of said city, (describing it by its title,) which said ——— is now in force and effect, as this complainant verily believes; and prays that said ——— may be arrested and held to answer to the said city of Appleton therefor.

"Subscribed and sworn to before me, this ——— day ———, 18—."

It shall be sufficient to give the number of the section or sections, and the title of the ordinance or reg-

ulation of the law violated, in the foregoing forms of the complaints, and said complaint may be sworn to before any officer authorized to administer oaths. Upon the filing of such complaint with the justice of the peace, he shall issue a warrant thereon, which may be substantially as follows: Warrant.

"STATE OF WISCONSIN, }
OUTAGAMIE COUNTY, } ss.
CITY OF APPLETON, } Form.

"To the sheriff or any constable of said county, or to the marshal of the city of Appleton, greeting:

"Whereas, —— has this day complained to me in writing, on oath, that —— did, on the —— day of ——, 18——, violate section —— (or sections ——) of ordinance, (regulation or law, as the case may be, describing it by its title,) which said —— is now in full force and effect, as the said complainant verily believes: Therefore, in the name of the state of Wisconsin, you are hereby commanded to arrest the body of said —— and him bring before me forthwith, to answer to the city of Appleton, on the complaint aforesaid.

"Given under my hand the —— day of ——, 18—.

"—— justice of the peace."

Upon the return of the warrant, the justice may proceed with the case, unless it be continued by consent or for cause. If the cause be adjourned, the defendant, if required by the court so to do, shall recognize with security, to be approved by the court, for his or her appearance, in such sum as the court shall direct, or in default thereof, may be put in charge of the officer making the arrest, or be committed to the common jail of Outagamie county. The complaint made as aforesaid, shall be the only complaint required, and a plea of "not guilty" shall put in issue all subject matter embraced in the action. Proceedings before justice.

SECTION 7. Witnesses and jurors shall attend before a justice of the peace in all city and criminal suits, without the payment of fees in advance, or a tender thereof, upon process of the court duly served, and in default thereof, their attendance may be compelled by attachment. Witnesses and jurors.

SECTION 8. In city prosecutions, the finding of the court or jury shall be either guilty or not guilty. If Finding, and judgment.

guilty, the court shall render judgment thereon against the defendant for the fine, penalty or forfeiture contained in the ordinance or regulation, for the violation of which the defendant shall have been adjudged guilty, and for the costs of the suit; but if not guilty, the costs shall be taxed against the city. Upon conviction and the non-payment of such judgment, the court may forthwith issue an execution, as in cases of tort, and shall determine and enter upon the docket the length of time the defendant shall be imprisoned, which in no case shall exceed six months, and also insert such time in the execution or commitment. Such execution may be in the following form:

Execution.

Form.

"STATE OF WISCONSIN,
OUTAGAMIE COUNTY,
CITY OF APPLETON, } ss.

"To the sheriff or any constable of the county of Outagamie, or to the city marshal, and to the keeper of the common jail of said county, greeting:

"Whereas, the city of Appleton, on the —— day of ——, 18—, recovered a judgment before ——, a justice of the peace of said city, against ——, for the sum of —— dollars, together with —— dollars cost of suit, for the violation of an ordinance, (by-law, resolution or law, as the case may be:) These are, therefore, in the name of the state of Wisconsin, to command you to levy distress of the goods and chattels of said ——, except such as the law exempts, and make sale thereof according to law in such case made and provided, to the amount of said sum, together with your fees, and twenty five cents for this writ, and the same return to me in thirty days; and for want of such goods and chattels whereon to levy, take the body of the said ——, and him convey and deliver to the keeper of the common jail in Outagamie county; and said keeper is hereby commanded to receive and keep in custody in said jail, the said ——, for the term of ——, unless said judgment, together with all costs and fees, are sooner paid, or he be discharged by due course of law.

"Given under my hand, this —— day of ——, 18—.

"——, justice of the peace."

SECTION 9. No person shall be an incompetent judge or justice, witness or juror, by reason of his being an inhabitant of said city, in any proceeding or action in which the city shall be a party in interest. Competency of judges, &c.

SECTION 10. All ordinances, regulations or by-laws now in force in the city of Appleton, and not inconsistent with this act, shall remain in force under this act until altered, modified or repealed by the common council, after this act shall take effect. Ordinances now in force.

SECTION 11. All actions, rights, fines, penalties and forfeitures, in suit or otherwise, which have accumulated under the several acts consolidated herein, shall be vested in and prosecuted by the corporation hereby created. Actions, &c. vested in corporation.

SECTION 12. All that part of Fox river within the limits of said city, shall be under the exclusive jurisdiction of said city and its common council, and all bridges over said river, within said limits, shall be under its control, and the common council shall have full power to build and construct, or cause to be built and constructed, new bridges, at such points as they may deem necessary, and for the best interest of the city, and to maintain and support all bridges which said city may now or may hereafter own, at the expense of said city. Jurisdiction of city over bridges, &c.

SECTION 13. The general laws for the preservation of bridges, and the punishment by such laws provided for the willful and malicious injuries done thereto, are hereby extended to and shall include all of said bridges, and shall apply to any willful or malicious damage which may be done to either of them by any person or persons whatever; and the common council may, from time to time, make such by-laws or ordinances as they may deem necessary for the preservation of such bridges, and enforce the same by adequate penalties. In case of any damage done to any of said bridges, by any vessel or water-craft, or by the master or any person in command thereof, such vessel or water-craft may be proceeded against under the law to provide for the collection of demands against boats and vessels. Laws applicable to the protection of bridges.

SECTION 14. When any suit or action shall be commenced against said city, the service thereof may be made by leaving a copy of the process, by the proper officer, with the mayor, and it shall be the duty of the Actions against the city.

mayor forthwith to inform the common council thereof, or take such other proceedings as by ordinances or the by-laws of said council may be in such case provided.

Exemption.

SECTION 15. No real or personal property of any inhabitant of said city, or of any individual or corporation, shall be levied on and sold by virtue of any execution issued to satisfy or collect any debt, obligation or contract of said city.

Commissioners to establish line of streets.

SECTION 16. The common council of said city may at any time appoint four commissioners, one from each ward, who, with the assistance of the city surveyor, or such other assistant surveyor as the council may appoint, shall cause a new and accurate survey to be made of the lines and boundaries of all the streets, alleys, avenues, highways, sidewalks, public grounds, wharves and blocks, and shall cause to be established such permanent landmarks as they may deem necessary, and to cause an accurate plat or plats thereof to be made and certified to by the said surveyor and commissioners, which shall be filed in the office of the city surveyor, and a copy thereof shall be filed in the office of the register of deeds of Outagamie county.

Survey to be evidence.

SECTION 17. The survey and landmarks so made and established, shall be *prima facie* evidence of the lines and boundaries of all streets, avenues, highways, alleys, sidewalks, wharves, blocks and public grounds, in all cases in which they shall be drawn in controversy, in all courts in this state.

Grade.

SECTION 18. The common council of said city may, at such times as they deem proper, establish the grade of all streets, avenues, alleys, highways and sidewalks in said city, and shall cause accurate profiles thereof to be made, one of which shall be filed in the office of the register of deeds of Outagamie county; and should the grade so established be at any time thereafter altered, all damages, costs and charges arising therefrom shall be paid by the city to the owner of any lot or parcel of land or tenement which may be injured in consequence of any alteration of such grade: *provided*, that nothing in this section shall be so construed as to prevent the street commissioner from ordering or causing to be done the grading of any street, avenue, alley or highway, to a temporary grade to be by him established.

Temporary grade

SECTION 19. Said city may purchase, lease and hold real or personal estate, sufficient for the convenience of the inhabitants thereof, and may sell and convey the same, and the same shall be free from taxation. City may hold real estate.

SECTION 20. Real estate exempted from taxation by the laws of this state, shall be subject to special taxes as other real estate under this act, for special improvements. Special taxes.

SECTION 21. Every individual or company of individuals, or body corporate, owning a lot or tract of land within the limits of the city of Appleton, who may desire to subdivide or plat such lot or tract of land into city lots, shall, in platting the same, cause the streets, avenues and alleys in such plat to correspond in width and general direction with the streets, avenues and alleys through the lots and blocks in said city adjacent to said lot or tract of land so platted; and before recording such plat, as required by law, it shall be the duty of such person or persons making such plat, to submit the same to the common council of said city for approval, and if said plat shall be approved by the common council, it shall be lawful for the party or parties making such plat, to record the same in the manner prescribed by the statutes of this state concerning town plats; but except such plat shall be approved by resolution, adopted by said common council, a copy of which, duly certified to by the city clerk, shall be affixed to said plat, it shall not be lawful for the register of deeds of Outagamie county to receive such plat for record; and the person or persons neglecting or refusing to comply with the requirements of this act, shall forfeit and pay a sum not less than one hundred dollars, and not more than one thousand dollars and the register of of deeds who shall record such plat without such resolution of the common council thereto attached, approving the same, shall forfeit and pay a sum not less than fifty nor more than one hundred dollars, for the use of said city. Subdivision of lots, &c. Plats to be approved by council. Penalties.

SECTION 22. In all cases when by the provisions of this act, or of any ordinance of said city, personal service is required upon the owner or occupant or agent of any property in said city, it shall be sufficient to deposit such notice, in a prepaid envelop, in the Ap- Personal notice.

pleton postoffice, directed to such owner, occupant or agent residing in said city.

Parties to deeds.

SECTION 23. When the city deeds or leases any real estate, or any interest therein owned by said city, the party of the first part shall be "the city of Appleton," and the person or persons authorized to execute such deed or lease need not be named in the body thereof.

Deeds to lands belonging to the city.

SECTION 24. The mayor of said city is hereby authorized to execute a deed or deeds, lease or leases, or other conveyance, of any real estate belonging to the city: *provided*, that such sale, lease, quitclaim or other conveyance shall first be authorized by the common council, by ordinance or resolution, which ordinance or resolution shall fully describe the real estate and interest to be conveyed. Said deed or other instrument shall be signed by the mayor and countersigned by the city clerk, and sealed with the corporate seal of said city, and duly witnessed and acknowledged, as prescribed by law.

Copy of ordinances to be attached to and recorded with deed.

SECTION 25. When any such deed or other conveyance is so executed, the city clerk shall attach thereto a true and attested copy of such ordinance or resolution, and the same shall be recorded by the register of deeds of Outagamie county, with said instrument; and such copy, so attached and recorded, shall be *prima facie* evidence in all courts and places, of the authority of such mayor to make and execute such deed, lease or other conveyance.

Question of issue of improvement bonds may be submitted to vote.

SECTION 26. At each annual election held in said city pursuant to this act, for a period of five years from and after the year 1865, the question of issuing city bonds to an amount not exceeding four thousand dollars in any one year, to be applied to the construction, improvement or repair of roads and bridges leading to or from said city, said bonds to draw an annual interest not to exceed seven per centum per annum, on not exceeding twenty years' time, shall be submitted by the common council to the qualified electors of said city, under such conditions and restrictions as said common council shall prescribe.

Negotiation of bonds.

SECTION 27. In any one year when a majority of the electors voting at the annual election in said city, under this act, shall vote in favor of the issue of city

bonds, as provided in the preceding section, the common council shall authorize the mayor or an alderman, or any other person, to negotiate the sale of said bonds, and to allow a reasonable compensation therefor: *provided*, that all such bonds shall be signed by the mayor, and the seal of said city attached thereon, and every bond shall have interest bonds or coupons attached thereto; *and provided, further*, that the common council may, in their discretion, require that said bonds shall not be sold at less than their par value.

Tax for interest and principal.

SECTION 28. In case any city bonds shall be issued pursuant to this act, the common council shall annually cause to be levied and collected on the taxable property of said city, a sufficient sum to pay the interest on said bonds as it becomes due; and when the principal of such bonds becomes due, to cause to be levied and collected on the taxable property of said city, a sum sufficient to pay such principal; and if they fail to order such sums to be levied and collected at the times aforesaid, they may be compelled to do so by the order of the circuit court, in term time or in vacation.

Repair of roads and bridges out of city.

SECTION 29. The said common council shall have full power to make and repair any established road, and build and repair bridges thereon, in any town or towns adjacent to said city, whether within or without the county of Outagamie, and may, through its street commissioner, enter into all necessary contracts for labor and materials: *provided*, that the written consent of a majority of the supervisors of such town shall first be obtained to the making of such expenditure and improvement.

Construction.

SECTION 30. Nothing in this act, nor in the succeeding section of this chapter, shall be so construed as to repeal or invalidate, or in any manner modify, the provisions of chapter 199 of the general laws of 1864, but said chapter 199 shall be and remain in full force and effect; and all the acts of the common council, and of the people of said city, begun and had pursuant to said chapter 199, in holding and conducting an election, and voting and authorizing the issue of city bonds to the amount of twenty-five thousand dollars, shall be and remain in full force and effect; and whenever the mayor and common council of said city shall deem it expedient, they may order an election, giving at least ten days' notice thereof, upon the question of issuing

the further sum of twenty-five thousand dollars, in city bonds, to be applied to the construction of a branch railroad, and all necessary side tracks, within said city; and said mayor and common council are fully authorized and empowered to contract with any railroad company which now is or may be hereafter operating [any road] in the county of Outagamie, Calumet or Winnebago, for the construction of a branch railroad and side tracks to, through or from said city, and may appropriate the avails of the bonds so voted, as well as the avails of the bonds for twenty-five thousand dollars heretofore voted, toward the construction of any such branch railroad and side tracks: *provided*, that such bonds shall be issued in sums not less than fifty nor more than five hundred dollars, with coupons or interest warrants attached, which interest shall not exceed seven per centum per annum; *and provided, further*, that the last twenty-five thousand dollars of such bonds herein provided for, shall not become due and payable until a period of twenty years from the date of their issue.

Branch roads.

Proviso.

Repeal.

SECTION 31. An act entitled "an act to incorporate the city of Appleton," approved March 29th, 1857, and the several acts amendatory thereof, and all acts or parts of acts inconsistent and conflicting with the provisions of this act, are hereby repealed; but the repeal of said acts and parts of acts shall not in any manner affect, injure or invalidate any contracts, acts, suits, claims or demands that may have been entered into, performed, commenced or that may exist under or by virtue or in pursuance of the said acts, or any of them, but the same shall exist and be in force and carried out as fully and effectually, to all intents and purposes, as if this act had not been passed. And all ordinances, resolutions, regulations, rules, by-laws and orders of the common council of said city, or parts thereof not repealed, suspended or made void by this act, shall continue and remain of the same force and effect as if this act had not been passed, until altered, amended, repealed or suspended by the common council in pursuance of this act.

Not to affect contracts, &c.

Ordinances to remain in force.

Publication.

SECTION 32. This act shall be published in each of the newspapers published in the city of Appleton, at the expense of such city: *provided*, that the expense

thereof shall not exceed 30 cents per folio to each of said newspapers.

SECTION 33. No general law of this state, contravening the provisions of this act, shall be considered as repealing, annulling or modifying the same, unless such purpose be expressly set forth in such law, as an amendment to this charter. Relating to repeal, &c. of this act.

SECTION 34. This act shall take effect and be in force from and after its passage and publication.

Approved March 31, 1865.

CHAPTER 269.

[*Published May* 18, 1865.]

AN ACT relating to marriage certificates.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. The clerk of the circuit court of each county in this state, shall forthwith transfer to the office of the register of deeds of his county, all records of marriages and all marriage certificates on file in the office of said clerk. To be transferred to office of register.

SECTION 2. The said register shall immediately after said transfer, record in the manner now provided by law, such of said certificates as are not already recorded; and the clerk and register of deeds of any county where such records may be, shall receive for their services such compensation as the board of supervisors of such county shall deem just and proper, not exceeding the rates now allowed by law for similar services. Register to record them. Fees.

SECTION 3. Copies of the records of any marriage certificate of record in the office of any register of deeds, shall be *prima facie* evidence of the matters therein stated. Copies to be evidence.

SECTION 4. This act shall take effect when published.

Approved April 1, 1865.

CHAPTER 270.

[*Published May* 18, 1865.]

AN ACT to legalize a special town meeting in the town of Kaukauna, Outagamie county, to vote bounties for volunteers, and the action of the town officers in relation thereto.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Bounty tax proceedings legalized.

SECTION 1. All the acts and proceedings of a special town meeting held in the town of Kaukauna, Outagamie county, on the 6th day of October, 1864, for the purpose of raising bounties to pay volunteers, drafted men, or the families of either, together with all the acts and proceedings of the town board and town officers of said town, in reference to the levy and collection of said tax, are hereby declared to be valid: *provided*, that nothing herein contained shall be so construed as to allow of the payment of more than two hundred dollars to any man mustered into the United States service, or any person providing himself with a substitute; *and provided, further*, that any surplus which may now remain or hereafter accrue to the bounty fund of said town, shall be used and appropriated for the support of the families of men now in the armies of the United States.

Limit to bounty.

Surplus.

SECTION 2. This act shall take effect immediately.

Approved April 1, 1865.

CHAPTER 271.

[*Published May* 18, 1865.]

AN ACT relative to the index book of clerk of the circuit court of Outagamie county.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Shall be received as evidence.

SECTION 1. The index book of causes, now in use in the office of the clerk of the circuit court of Outagamie county, shall hereafter be deemed and taken to

be one of the record books of said office, and as such shall be received in evidence in all courts and places.

SECTION 2. It shall be the duty of the clerk of said court to continue the said index book in the same manner and form as to all cases which may be hereafter instituted or appealed to said court, and the clerk shall be entitled to a fee of ten cents for each entry in said index book. Index to be continued.

SECTION 3. This act shall take effect immediately.

Approved April 1, 1865.

CHAPTER 272.

[*Published May* 19, 1865.]

AN ACT to vacate certain streets in the town of Prairie du Chien.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. So much of Prairie street as is between and adjoining blocks numbered seven (7) and thirteen (13,) and so much of Webster street as is between and adjoining blocks seven (7,) eight (8,) thirteen (13) and fourteen (14,) according to the plat of the "Fort Crawford military tract," in the town of Prairie du Chien, in the county of Crawford, as the same now remains of record in the office of the register of deeds of said county of Crawford, is hereby vacated. Vacated.

SECTION 2. This act shall take effect and be in force from and after its passage.

Approved April 1, 1865.

CHAPTER 273.

[*Published May* 20, 1865.]

AN ACT to amend section 61 of chapter 19 of the revised statutes, and to repeal section one of chapter 54 of the general laws of 1861, entitled "an act to amend sections 61 and 66 of chapter 19 of the revised statutes, entitled 'of highways and bridges.'"

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

If party not satisfied, may apply for a jury, &c.

SECTION 1. Section 61 of chapter 19 of the revised statutes, is hereby amended, so that the same shall read as follows: "If any owner of lands through which a highway shall be laid out or altered by the supervisors, shall not be satisfied with the sum awarded for damages by such supervisors, he may within thirty days after filing of the award of damages in the office of the town clerk, as provided in the preceding section, apply to a justice of the peace of the same town, if there be one, if not, to a justice of the peace of an adjoining town, for a jury to assess and appraise such damages. Such application shall be in writing, describing the premises, and any number of persons claiming damages on account of such highway, may join in such application. The party appealing shall serve on two of the supervisors of such town, at least six days before the time fixed for making such application, a notice in writing, specifying therein the name of the justice to whom, and the time and place when and where, such application will be made."

Service of notice.

Repealed.

Revived.

SECTION 2. Section one of chapter 54 of the general laws of 1861, is hereby repealed, and section 61 of chapter 19 of the revised statutes, shall be and hereby is revived, so as to stand as if said section one of said chapter 54 had not been passed, except as the same is amended by section one of this act.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved April 1, 1865.

CHAPTER 274.

[*Published May* 20, 1865.]

AN ACT to authorize the board of supervisors of the town of Blooming Grove, Dane county, Wisconsin, to transact certain business in an office in the adjoining city of Madison.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. The board of supervisors of the town of Blooming Grove, Dane county, Wisconsin, shall have power to transact business relating to their office and their town, in an office in the city of Madison, Dane county, Wisconsin: *provided*, that the holding of all general and special elections by the residents of Blooming Grove, and all business pertaining thereto, shall be held and transacted in said town. May transact business in Madison.

SECTION 2. This act shall take effect and be in force from and after its passage.

Approved April 1, 1865.

CHAPTER 275.

[*Published May* 19, 1865.]

AN ACT to authorize the state superintendent of public instruction to apportion school moneys to the town of La Valle, Sauk county.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. The state superintendent of public instruction is hereby authorized and directed to apportion to the town of La Valle, in the county of Sauk, the full amount of school moneys for the present year that the said town would have been entitled to, if the annual report of the clerk of joint district number eleven (11) of La Valle and Ironton, had been made at the time prescribed by law; and the town clerk of said town of La Valle is hereby directed to apportion to said joint district number eleven (11) its full share of all school moneys coming into the hands of the town Apportionment of school moneys to La Valle. Ibid. to district No. 11.

treasurer during the present year, the same as if the report of the clerk of said district for the year 1864, had been received by him in due time.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved April 1, 1865.

CHAPTER 276.

[*Published May* 19, 1865.]

AN ACT to authorize the state superintendent of public instruction to apportion school moneys to the town of Randolph, Columbia county.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Apportionment of school moneys to Randolph.

SECTION 1. The state superintendent of public instruction is hereby authorized and directed to apportion to the town of Randolph, in the county of Columbia, the full amount of school moneys to which said town would have been entitled for the present year, if the report of the clerk of the joint district number two (2) of said town for the year 1864, had been made at the time prescribed by law; and the town clerk of said town is hereby directed to apportion to said joint district its full share of all school moneys coming into the hands of the town treasurer for the present year, the same as if the report of the clerk of said district for 1864, had been received by him within the time prescribed by law.

Ibid. to district No. 2.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved April 1, 1865.

CHAPTER 277.

[*Published April* 19, 1865.]

AN ACT to vacate Webster, Ford and Miller's addition to the city of Beaver Dam.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. All the addition to the city of Beaver Dam, in the county of Dodge, known, described and recorded as Webster, Ford and Miller's addition to Beaver Dam, is hereby vacated, and shall be designated hereafter as outlot No. (71) seventy-one, of the third (3d) ward of the city of Beaver Dam. Vacated.

SECTION 2. This act shall take effect and be in force from and after its passage.

Approved April 1, 1865.

CHAPTER 278.

[*Published May* 20, 1865.]

AN ACT to authorize the St. John Evangelic Lutheran church and the German Evangelic Lutheran Grace church, in Milwaukee, to acquire and hold lands for cemetery grounds and burial purposes.

(*See supplement to local laws.*)

CHAPTER 279.

[*Published May* 20, 1865.]

AN ACT to legalize the proceedings of certain town meetings held in the several towns of St. Croix county.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Meeting voting aid to certain railroads legalized.

SECTION 1. The special town meetings held in the several towns of St. Croix county, on the 22d of June, 1864, and the canvass of the votes given thereat, under the acts passed above entitled, for the purpose of aiding in the construction of the Tomah and Lake Saint Croix railroad, and of the Saint Croix and Lake Superior railroad, are hereby declared to be legal and valid in all respects, as if the said laws in relation to said elections and canvass of votes, had been fully and in all respects complied with.

Board of supervisors may issue bonds.

SECTION 2. The said board of supervisors of Saint Croix county are hereby authorized and empowered to issue bonds to the amount of twenty-five thousand dollars to each of said railroad companies, in pursuance of said acts, for the purpose of aiding in the construction and completion of the same, in the same manner and with the like effect as if the said town meetings had been legally held, and the votes properly canvassed under said acts.

SECTION 3. This act shall be in force from and after its passage and publication.

Approved April 1, 1865.

CHAPTER 280.

[*Published May* 19, 1865.]

AN ACT relating to the board of supervisors of Milwaukee county.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Members of board not eligible to certain offices.

SECTION 1. No member of the board of supervisors of the county of Milwaukee, shall be eligible, during

the full term for which he is elected such supervisor, to any office or appointment whatever, to which the election or appointment is authorized to be made by the board of supervisors of which he is a member, nor shall any member of said board of supervisors hold the office of sheriff or deputy sheriff of said county. All elections or appointments, and all votes cast for any person contrary to the provisions of this act, shall be void.

Election, &c. declared void.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved April 1, 1865.

CHAPTER 281.

[*Published May* 17, 1865.]

AN ACT relating to property of Indians exempt from taxation, and amendatory of section five of chapter 18, revised statutes, entitled "of the assessment and collection of taxes."

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. Subdivision seven, section four, chapter eighteen, revised statutes, is hereby amended, so as to read as follows: "The property of all Indians who are not citizens, except lands held by them by purchase, and the personal property of civilized Indians, owning or occupying farms not in an Indian reserve."

Exempt from taxation.

SECTION 2. This act shall be in force and take effect from and after its passage.

Approved April 1, 1865.

CHAPTER 282.

[*Published April 4, 1865.*]

AN ACT to facilitate the conversion of the state currency, and to provide for taking up certain state bonds.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

When purchase money on certificates required.

SECTION 1. Payment of the purchase money is required to be made immediately on all certificates of sale of school, swamp and other state lands heretofore issued, in all cases where more than one year has elapsed since such purchase money became due according to the terms of such certificates; and in all other cases, such payment shall be required so soon as one year shall elapse after the purchase money shall have so become due. Payment is also required to be made immediately upon all loan and purchase money mortgages executed to the state, in all cases where such mortgages have been due according to their terms for more than one year; and in all other cases, payments of such mortgages shall be required one year after the same shall have become due according to their terms. The commissioners of school and university lands are hereby authorized to forfeit all lands on which the payment shall not be made according to the foregoing requirements, except lands belonging to persons in the military or naval service of the United States, minor heirs and widows of persons who have died in the military or naval service of the United States, shall not be forfeited under the provisions of this act, for three years from the date of the passage thereof: *provided*, that the commissioners shall not declare any such lands forfeited until after the expiration of six months from the publication of this act.

When payments on loans required.

Lands, except those of soldiers, &c may be forfeited.

Notice to be first given.

Treasurer may receive state currency, and give receipts drawing interest for same.

SECTION 2. The state treasurer is hereby authorized to receive any sums of money that may be paid to him in the bills of the banks of this state, which were in circulation on the ninth day of March, A. D. 1865, and to give receipts for such sums, which receipts shall entitle the holders thereof to receive such amount, with interest at seven per cent. per annum. Such receipts shall also be received at the full amount thereof, including interest, in payment of all state taxes for the

Receipts receivable for state taxes.

year 1865, and subsequent years: *provided*, that such interest shall not be allowed beyond the thirty-first day of December next, nor shall such receipts be issued to an amount exceeding in all five hundred thousand dollars. The state treasurer shall, on and after the first day of February, A. D. 1866, pay to the holders of such receipts, on presentation, the amounts thereof, including interest as aforesaid; and a sufficient sum of money for that purpose is hereby appropriated.

When interest to cease.

When receipts to be paid.

SECTION 3. The state treasurer may, at any time, in his discretion, when he shall have in his possession bills of those banks of the state which shall fail to redeem their circulating notes on presentation, take means to procure in exchange for the same, the bonds of this state deposited with the bank comptroller as security for such bills. For that purpose, he may, in his discretion, procure from any bank which fails to redeem its bills, an assignment of all the bonds of the state owned by such bank, and on deposit for the security of its bills, and he shall withdraw and cancel the bonds so assigned, and he shall return to the bank comptroller for cancellation the bills of such bank, from time to time, as he shall receive such bills, and shall deem expedient so to return them. Such assignment shall transfer to the state the entire right and title to such bonds, and the interest accrued and to accrue thereon, together with the interest of such banks in such of their circulating notes as may not be returned for redemption, in consideration of which assignment, if accepted by the treasurer, the state will assume the ultimate redemption of the outstanding circulating notes of said banks. If any such bank shall neglect or refuse to execute such assignment to the state, the state treasurer may procure the bills of such bank to be protested, and may take the other steps provided by law to cause the securities deposited by such bank to be sold for the redemption of such bills, and to compel the payment of any deficiency upon such redemption: *provided*, that the state treasurer shall so execute the discretion reposed in him by this act, as may, without diverting the means necessary to defray current expenses, most effectually tend to maintain the credit of the state and the value of the bills issued by the said banks. In case he shall be able to sell any of the bonds which he may so acquire, at their par value, with the accrued interest, if

Treasurer may take assignment of state bonds of such banks as fail to redeem their circulation

State to assume the redemption of the circulation of such banks.

In case bank refuse to assign.

Means to defray current expenses not to be diverted.

any, he is hereby authorized, in his discretion, to make such sale.

Bills of banks receivable.

SECTION 4. The bills of all banks of this state, except such as were in process of liquidation on the ninth day of March, A. D. 1865, shall be received by the state treasurer in payment of all dues to the state.

Duty of bank comptroller.

SECTION 5. It shall be the duty of the bank comptroller, so far as may be in his power, to aid in carrying out the provisions of this act, according to the spirit and purpose thereof.

Balances due from banks on state bonds.

SECTION 6. It shall be the duty of the state treasurer to collect the amounts owing to the state from banks upon the purchase money of the bonds of the state, and he may make a reasonable and proper discount upon any such amount in consideration of prompt payment. In any case where it shall plainly appear to be for the best interest of the state to accept in payment of the amount so owing from any bank, a less sum than as above provided, it shall be lawful for the state treasurer, with the advice and consent of the bank comptroller and the attorney general, to make a compromise or settlement of such claim of the state on the best attainable terms.

SECTION 7. This act shall take effect from and after its passage and publication.

Approved April 3, 1865.

CHAPTER 283.

[*Published April* 5, 1865.]

AN ACT to amend an act entitled "an act to consolidate and amend the act to incorporate the city of Milwaukee, and the several acts amendatory thereof," approved February 20th, 1852.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

$80,000 may be annually raised for general city purposes.

Chap. 87, laws 1861 and sec. 5, chap. 239, laws 1864, not to be affected.

SECTION 1. The common council of the city of Milwaukee may annually levy a tax, as now provided by law, for general city purposes, in amount not exceeding eighty thousand dollars in any one year: *provided*, that this section shall not be construed to affect the

powers and duties conferred and imposed upon said city council by the provisions of chapter 87 of the general laws of 1861, entitled "an act to enable the city of Milwaukee to readjust its corporate debts," approved March 19th, 1861, or the powers conferred upon said common council by section five of chapter 260 of the general laws of 1864, for the reconstruction of bridges in said city; *and provided, further*, that said common council may cause to be dredged during the year 1865, such parts of the Milwaukee and Menomonee rivers, or either of them, within the limits of said city, as they may by resolution or ordinance direct, at an expense not exceeding ten thousand dollars, and may levy and collect the amount so expended, not exceeding said sum of eighty thousand dollars, at the same time and in the same manner as other taxes are levied and collected for said year 1865, and in addition to the sums herein limited for general city purposes.

$10,000 may be expended in dredging in 1865.

SECTION 2. The amount of taxes levied in said city for ward purposes, shall not exceed in the aggregate for all the wards of said city, the sum of sixty thousand dollars per annum. The portion of said amount which may be levied in any one ward, shall not exceed ten thousand dollars in any one year, nor shall the per centage levied in any ward, for ward purposes, exceed three-fourths of one per cent., or seven and one-half mills upon the dollar, of the assessed valuation of real and personal property in such ward, as contained in the assessment roll of said city, and no other or greater sums shall be levied by the common council of said city, by general tax upon the taxable property in said city or any ward thereof, than are authorized in and by this act.

Amount of assessed taxes for ward purposes.

SECTION 3. The city comptroller of the city of Milwaukee shall receive for all services, and in lieu of all other compensation, an annual salary not exceeding two thousand dollars, and an allowance for clerk hire not exceeding two thousand dollars per annum. The city treasurer of said city shall receive for all services that are or may be required of him by law, and in lieu of all other compensation, including compensation for collecting state, county, school, personal and all other taxes, an annual salary not to exceed four thousand dollars, and an allowance for clerk hire not to exceed

Salary of comptroller.

Salary of treasurer.

Salary of clerk.

two thousand dollars per annum. The city clerk of the said city shall receive for all services, and in lieu of all other compensation, an annual salary not to exceed twelve hundred dollars, and an allowance for clerk hire not to exceed ten hundred dollars per annum. The city attorney of the said city shall receive for all services, and in lieu of all other compensation, an annual salary not to exceed sixteen hundred dollars, and an allowance for fees of associate counsel not to exceed one thousand dollars. The said salaries shall be paid quarterly by warrants on the city treasurer, signed by the mayor and clerk, and countersigned by the comptroller; and the said allowances shall be paid from time to time by like warrants on the application of the officer entitled to the same, based on his affidavit in writing, showing the services actually performed, and by whom performed, and that the portion of the allowance applied for has been actually paid to the person or persons named in good faith, for the purposes for which such allowance is hereby authorized, and before payment shall be made of such allowance, such affidavits shall be filed with the city comptroller.

Salary of attorney.

How salaries to be paid.

Fees of said officers, in excess of their salaries, to be paid into city treasury.

SECTION 4. All costs, commissions, per centage, certificate and redemption fees, fees for tax deeds, and all other fees, perquisites and compensation of whatever kind and nature, pertaining to the officer or officers mentioned in the next preceding section, or to any or either of them, and which the said officers, or either of them, may demand and receive as such officers, except only the salaries and allowances provided and paid to them in pursuance of this act, shall be paid quarterly by said officers, respectively, into the city treasury; and each of the said officers shall keep an accurate account of all moneys so received by him, and before any settlement of his accounts, and before he shall be entitled to receive his quarterly salary, he shall at the end of each and every three months during his term of office, file such account with the city comptroller of said city, accompanied by his affidavit that the same is a just, true and complete account of all moneys so received by him during the three months then next preceding.

Duty of mayor, &c. in passing accounts.

SECTION 5. It shall not be lawful for the mayor, city comptroller or common council of said city, to pass or settle the accounts, or to order, or draw, or de-

liver warrants for the payment of the salary of any city officer who is entitled to a certain fixed salary in lieu of all other compensation under the provisions of this act, unless such quarterly accounts shall have been first duly made, verified by the affidavit of such officer, and filed in the office of the city comptroller, embracing a statement of all costs, commissions, per centage, fees, perquisites, compensation and remuneration whatsoever received by such officer in virtue of his office during the next preceding three months, and it shall also appear that the amount thereof has been paid by him into the city treasury, and all settlements and payments made in violation of this section shall be void.

No per centage for collecting to appear in tax lists.

SECTION 6. No per centage or commissions upon personal taxes shall be included in the tax list of said city for city or ward purposes, for collection thereof, nor shall any such per centage or commissions be demanded or received by the city treasurer of said city for collecting such personal taxes. The chief of police of said city, for collecting delinquent personal taxes under and by virtue of the warrant of the city treasurer, shall be entitled to demand and collect a commission or per centage of five per cent. upon all sums collected by him, which per centage shall be added by him to said taxes, and collected with the same and in addition thereto, as compensation for his services, and in case of levy, distress or sale of property by said chief of police in virtue of such warrant, he shall be entitled, in addition to such commission of five per cent. to collect, the same costs and fees allowed by law to constables on execution.

Fees of chief of police for collecting delinquent personal taxes.

Amendments.

SECTION 7. The tenth and eleventh sections of an act entitled "an act to enable the city of Milwaukee to readjust its corporate debts," approved March 19th, 1861, are hereby amended, by adding after the word "bonds," wherever it occurs in said sections, the words "or scrip," and by adding after the word "bondholders," wherever it occurs in said sections, the words "or scripholders."

Ibid.

SECTION 8. Section eighteen of chapter six of the act to amend the act to incorporate the city of Milwaukee, and the several acts amendatory thereof, is hereby amended, by striking out the word "six" in said section, and inserting in lieu thereof the word "twelve."

Penalty.

SECTION 9. If any officer of said city mentioned in this act, shall willfully neglect or violate any provision or requirement thereof, or any duty therein or thereby imposed upon him, he shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than five hundred dollars nor more than five thousand dollars, or by imprisonment in the county jail of said county of Milwaukee not less than two months nor more than one year, or by both fine such and imprisonment, in the discretion of the court; and it shall be the duty of the common council to cause an action to be forthwith commenced and prosecuted to final judgment against such officer and the sureties in his official bond, if any, for the recovery of all moneys in his hands, which, by the terms of this act, he is required to pay into the city treasury; and in case said common council shall neglect to cause such action to be commenced within thirty days after any delinquency shall occur in the payment of any moneys required to be paid into the city treasury by any officer under this act, such action may be brought and prosecuted by any tax payer of said city, in the name and for the benefit of said city: *provided*, that before commencing such action, a bond to said city shall be executed and filed in the office of the city comptroller, in the penal sum of five hundred dollars, with sufficient sureties, approved by the judge of the circuit court of said county of Milwaukee, conditioned to pay all costs and damages which may be recovered against said city in such action, and to idemnify the city against any and all costs, expenses and damages by reason of such action, and such action when so commenced by a tax payer, shall not be subject to the control or management of said city or of any officer thereof.

Action may be brought by any tax payer.

Bond for costs.

Accounts of officers whose terms will expire in April, 1865.

SECTION 10. It shall not be lawful for the mayor, comptroller or common council of said city to pass, audit or settle the accounts of the city treasurer of said city, whose term of office will expire in April, 1865, unless such city treasurer shall have first duly made and filed with the city comptroller a full and complete statement of all commissions and per centages collected and received by him during his said official term, for the collection of taxes or on the sale of lands, and which are by law required to be paid by him into the

city treasury of said city, accompanied by his affidavit in writing, that such statement is just and true, and shall also have first accounted for and paid over the full amount of all such commissions and per centages into the city treasury; and any settlement made with said city treasurer, whereby he shall be allowed to retain such commissions and per centages, or any part thereof, in addition to his salary as fixed by law, shall be absolutely void.

When bond of treasurer may be prosecuted.

SECTION 11. In case said city treasurer shall not make and file the statement and affidavit required by section ten of this act, or shall fail to account for and pay into the city treasury of said city said commissions and per centages, within twenty days after the expiration of his term of office, it shall be the duty of the mayor of said city to cause an action to be forthwith commenced and prosecuted to final judgment, upon his official bond, to recover in the name and for the use of said city, from the said city treasurer and the sureties in his said bond, the amount of all such commissions and per centages; and if such action shall not be commenced within thirty days after the expiration of said term of office, the same may be instituted and prosecuted in the name and for the benefit of said city by any tax payer thereof, in like manner, upon like conditions and with the like effect as provided in section nine of this act.

No petition necessary to authorize grading, &c. of certain streets.

SECTION 12. No petition shall be necessary to authorize the street commissioners of the fourth ward of said city to order the grading and graveling to the established grade of Sixth, Seventh and Eighth streets, and the sidewalks along the same, or either or any of said streets and sidewalks between Wells and Cedar streets, in said fourth ward, or to order the planking of said sidewalks and paving of the gutters along the same, but said street commissioners may order said work done by the owners of lots fronting on said streets, and cause the same to be done, and make the expense thereof chargeable to the lots, as provided by the charter of said city, and the amendments thereof, without petition, and whenever they shall deem it necessary.

Repeal.

SECTION 13. So much of any and all acts as contravenes the provisions of this act, is hereby repealed.

SECTION 14. This act shall be published immediate-

ly, and shall take effect from and after its passage and publication.

Approved April 3, 1865.

CHAPTER 284.

[*Published May* 19, 1865.]

AN ACT to legalize the proceedings of a special town meeting held in the town of Irving, in the county of Jackson.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Bounty tax proceedings legalized.

SECTION 1. All the proceedings of a special towns meeting held in the town of Irving, in the county of Jackson, on the 16th day of January, 1865, for the purpose of raising by tax a bounty to pay volunteers or drafted men which [who] should become credited to said town under the late call of the president for men, are hereby declared valid and legal to all intents and purposes: *provided*, that no more than two hundred dollars shall be paid to each volunteer or drafted man by virtue or in pursuance of the vote of said town.

Limit to bounty.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved April 3, 1865.

CHAPTER 285.

[*Published May* 19, 1865.]

AN ACT to authorize the secretary of state to audit certain accounts, and appropriating money for the payment of the same.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Secretary of state to audit all accounts accruing under joint resolutions.

SECTION 1. The secretary of state is hereby authorized and required to audit all accounts and claims against the state, accruing under and in pursuance of

joint resolutions of the two branches of the legislature, and to draw his warrant upon the state treasurer for such amount as he shall determine to be due and payable upon such account or claim, in favor of the party to whom the same shall be due and payable, which sum shall be paid by the state treasurer upon such warrant, out of any money in the state treasury not otherwise appropriated, from the fund to which the same may be properly chargeable.

SECTION 2. There is hereby annually appropriated out of any money in the state treasury, belonging to the several funds therein recognized, a sufficient amount to carry into effect the provisions of this act. Appropriation.

Approved April 3, 1865.

CHAPTER 286.

[*Published May* 3, 1865.]

AN ACT to extend the time for the collection of bounty taxes in the town of Belgium, in the county of Ozaukee.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. The time for the collection of the bounty taxes in the town of Belgium, in the county of Ozaukee, and for making return thereof to the treasurer of said county, is hereby extended until the first day of July, 1865. Extended to July 1.

SECTION 2. Said bounty tax when collected, may be applied and paid for the support of the families of drafted men, or to substitutes for drafted men, credited to said town on its present quota, not exceeding two hundred dollars each. Application.

SECTION 3. This act shall take effect and be in force from and after its passage.

Approved April 3, 1865.

CHAPTER 287.

[*Published May* 31, 1865.]

AN ACT to incorporate the Milwaukee and Venango county oil company.

(*See supplement to local laws.*)

CHAPTER 288.

[*Published May* 19, 1865.]

AN ACT to provide for expending the license money of the town of Port Washington, Ozaukee county.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

To be expended in improving streets.

SECTION 1. All moneys derived from the licensing of the sale of strong, spirituous, ardent or intoxicating liquors and drinks, in the town of Port Washington, in the county of Ozaukee, in this state, shall be expended for and applied by the board of supervisors of said town, exclusively for the purpose of making and improving the streets and in the construction of sidewalks in the village of Port Washington, in said county.

Annual street tax.

SECTION 2. The qualified electors of the said town of Port Washington, shall have power at any annual meeting thereof, to vote to raise by tax such sum of money as they may think proper and reasonable, for the purpose of making and improving the streets and for the construction of sidewalks in said village of Port Washington, and the tax so voted at any such meeting, shall be levied and collected in the same manner as other highway taxes are levied and collected.

SECTION 3. This act shall take effect and be in force from and after its passage.

Approved April 3, 1865.

CHAPTER 289.

[*Published April* 4, 1865.]

AN ACT to incorporate the Humboldt paper company.

(*See supplement to local laws.*)

CHAPTER 290.

[*Published April* 4, 1865.]

AN ACT to repeal chapter 100 of the private and local laws of 1862, entitled "an act to incorporate the Apple river boom company."

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. Chapter 100 of the private and local laws of 1862, entitled "an act to incorporate the Apple river boom company," approved April 7th, 1862, is hereby repealed. Repeal.

Approved April 4, 1865.

CHAPTER 291.

[*Published April* 8, 1865.]

AN ACT to organize and establish a high school district in the territory embraced in union school district number one in the city of Beloit, joint with the towns of Turtle and Beloit, and union school district number two in the city and town of Beloit.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. The territory embraced and included in union school district number one in the city of Beloit, joint with the towns of Turtle and Beloit, and in union school district number two in the city and town of Boundaries of Beloit union high school district.

Beloit, is hereby organized into a union high school district, to be called and known as "the Beloit union high school district," and said district shall possess and exercise the same right and powers as school districts organized and established pursuant to the provisions of chapter one hundred and fifty-five of the laws passed and enacted in the year one thousand eight hundred and sixty-three, except as is otherwise provided in this act.

School board.

SECTION 2. The school boards of said joint districts numbers one and two, together with the mayor or acting mayor of the city of Beloit, shall constitute the high school board of said union high school district, and the said mayor or acting mayor shall be the chairman of said board; and a majority of said board shall constitute a quorum for the transaction of business.

Officers of board.

SECTION 3. The said board shall annually elect from their own number, a clerk and a treasurer of said board. The treasurer shall, within ten days after his election, execute to said district a bond, to be approved by said board, in such sum as said board shall direct, and with the condition prescribed by law for the bonds of school district treasurers.

Treasurer to give bond.

Duties of clerk.

SECTION 4. The clerk of said board shall be the clerk of all school meetings of said district, and shall keep a record of the proceedings of such meetings. He shall also keep a record of all the transactions of said board: *provided, herein,* [*however,*] in case of his absence from any such meeting, the said meeting or said board may appoint a clerk *pro tem.*, and in case the said mayor or acting mayor shall not be present at any meeting of said board, the said board may elect one of their number chairman *pro tem.*

Powers of board.

SECTION 5. The said board are hereby authorized and empowered to organize and maintain a high school in said district, to provide suitable accommodation for said high school, to hire the necessary teachers, to determine the qualifications for admission to said school, the text books to be used, and the course of study therein, and to frame and adopt a code of by-laws for the management of said school, and to repeal, alter or amend said by-laws from time to time, as said board shall deem proper.

Annual and special meetings.

SECTION 6. The annual meeting of said high school board shall be held on the second Tuesday of August,

in each year, at such hour of the day as the said board may direct. And the said board may at any time when a majority think proper, call a meeting of said district, by posting notices thereof in three public places in each of said districts numbers one and two, at least fifteen days before such meeting, and by publishing notice of any meeting for two weeks successively, next preceding such meeting, in some newspaper printed in the said city of Beloit; and any such meeting may be adjourned from time to time as the majority of voters present may direct, the specific object of such meeting to be named in said notice.

May purchase site and build school house.

SECTION 7. The said district at any meeting called as above specified, may vote to purchase a site, and build a school house thereon for the use of said high school, and may vote to raise by tax such sum as may be necessary to pay for the same. Any such meeting may also authorize the said board to borrow money for said district to pay such expense, or any part thereof, at a rate of interest not exceeding seven per cent. per annum.

School expenses, &c.

SECTION 8. The said high school board may also, at any annual meeting, vote to raise by tax such sum or sums as may be necessary to defray the expenses of maintaining said high school, and to keep the buildings belonging to said district properly insured, together with such sums as may be necessary to pay the interest or principal of any money borrowed, or any part thereof.

Collection of taxes.

SECTION 9. All sums voted to be raised by tax at any such meeting, shall be collected in the manner provided by law for the collecting of school taxes, and the money belonging to said district shall be paid over to the treasurer of said district.

Meetings of board.

SECTION 10. The clerk is hereby authorized at any time to call a meeting of said board, by giving personal notice of such meeting to each of the members thereof, or by leaving a written notice of such meeting, at least twenty-four hours previously to such meeting, at the residence of any member who cannot be found; and the said board may adjourn from time to time, as a majority may by vote decide, and it shall not be necessary for the clerk to notify the members to attend any such adjourned meeting.

Board may borrow money and issue bonds.

SECTION 11. The said board when authorized by vote of said district, at any meeting called as herein provided, may borrow money for said district, payable at a future day, with interest at seven per cent. per annum, payable annually; and as security for the payment of money so borrowed, the president and clerk of said board are hereby authorized and empowered to execute for and in behalf of said district, bonds or notes in due form of law, payable at such time or times as said board shall direct.

Contracts.

SECTION 12. All contracts made by said board for and in behalf of said district, shall be in writing, and shall be signed by the clerk, and the chairman shall indorse his approval thereon.

Construction.

SECTION 13. Nothing in this act shall be construed to affect the organization of said union school district numbers one and two.

This act to be submitted to a vote of the district.

SECTION 14. This act shall be deemed a *public law*, and shall be in force from and after its passage and publication: *provided*, that two-thirds of the legal voters in each of said districts numbers one and two, in attendance at their annual meetings, or at special meetings legally called for that purpose, shall vote in favor of said high school district; the voting to be by ballots, which shall have printed or written on them either the words, "for union high school," or "against union high school."

If vote favorable, meeting of board to be called.

SECTON 15. When each of said districts shall have determined, as provided in the preceding section, in favor of said high school district, the clerks of said districts numbered one and two shall call a meeting of the high school board of said union high school district, to be held a time to be by the said clerks agreed upon, at some place in the city of Beloit, each clerk serving notice thereof on such members of said high school board as reside in his district, and the notice to be served in the manner provided for in section ten of this act.

Approved April 4, 1865.

CHAPTER 292.

[*Published May* 19, 1865.]

AN ACT to incorporate the Northwestern insurance company, of La Crosse, Wisconsin.

(*See supplement to local laws.*)

CHAPTER 293.

[*Published May* 20, 1865.]

AN ACT relating to street taxes in the city of Janesville, and amendatory of section one of chapter 410 of the general laws of 1864.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. Subdivision first of section two of chapter one hundred and seven of the private [general] laws of 1862, is hereby amended, so as to read as follows: "First. In case the work shall be the grading, graveling or leveling any street, highway, lane or alley, or any part thereof, the common council shall appoint some competent person to ascertain the aggregate front length of each lot and parcel of land on both sides thereof, throughout its whole extent, with a correct description thereof, and the name of the owner, if known, and also the aggregate front length of all lots and parcels of land fronting on such street. The said common council shall then determine the expense of the whole work, including the surveying, specifications, advertising, treasurer's commission, ascertaining the value of existing improvements of the same, or of similar kind and character, if any, and preparing the assessment lists, and cause the average expense upon each foot front of lots and parcels of land on both sides of such street, highway, lane or alley, throughout its whole extent, excluding cross streets from the computation, to be ascertained; and each lot or parcel of land on both sides of such street, highway, lane or alley, throughout

Amended.

Grading, paving, &c.

its whole extent, shall be assessed with its proportion of the expense, to be ascertained by multiplying its number of feet front by the average expense per foot: *provided*, that when the owner or owners of any lot or lots, parcel or parcels of land fronting any street, highway, lane or alley upon which said improvement is proposed to be made, have already made any improvement on said street, highway, lane or alley, in front of his or her said lot or lots, parcel or parcels of land of the same or of similar kind and character as the proposed improvement, at the time when the same was made, the common council shall ascertain the value of such improvement, and for that purpose shall have power to subpena witnesses, administer oaths and take proofs in such manner as it may direct; and the value of such improvement, when so ascertained, shall be added to the expense of the proposed improvement, and assessed therewith upon all the lots fronting upon such street, highway, lane or alley, in the manner hereinbefore specified; and when so assessed, the value of such improvement so made by such owner or owners as aforesaid, shall be credited upon the assessment upon his or her said lot or lots, parcel or parcels of land, but the value of such improvement shall be so assessed as aforesaid, but once; and in case the value of such improvement shall exceed the amount assessed upon such lot or lots, parcel or parcels of land, such excess shall be paid to such owner or owners who shall have made such improvement as aforesaid: *provided*, that any such improvement hereafter so made by such owner or owners, shall not be assessed, credited or paid for as hereinbefore provided, except the same shall have been made pursuant to a petition or leave to do the same, by said owner or owners, signed by at least two-thirds of the resident owners upon such street, highway, or alley. In case the work shall be the paving, macadamizing, planking or curbing any street, highway lane or alley, or any part thereof, the common council shall appoint some competent person to ascertain the aggregate front length of lots and parcels of land on both sides thereof, limited to the proposed improvement and bounded thereon, and the front length of each lot or parcel of land bounded on such improvement, with a correct description thereof, and the name of the owner, if known. The said council shall then

Paving, planking, curbing, &c.

determine the expense of the whole work, including the surveying, if any, specifications, advertising, treasurer's commission and preparing assessment lists, and cause the average expense upon each foot front of lots and parcels of land on both sides of such street, highway, lane or alley, within the limits of such improvement and bounded thereon, excluding cross streets from the computation, to be ascertained, and each lot or parcel of land shall be assessed with its proportion of the expense, to be ascertained by multiplying its number of feet front by the average expense per foot: *provided*, that whenever the owner or owners of any lot or lots, parcel or parcels of land fronting any street, highway, lane or alley where such improvement is proposed to be made, and within the limits of said improvement and bounded thereon, have already made any improvement on such street, highway, lane or alley, in front of his or her lot or lots, parcel or parcels of land, within the limits of said proposed improvement and bounded thereon, of the same or of similar kind and character as the proposed improvement, said lot or lots, parcel or parcels of land so improved by such owner or owners, shall be excluded from the computation and assessment; and all expense of such improvement to be made, shall in such case be assessed upon the other lot or lots, parcel or parcels of land so fronting on the street, highway, lane or alley, where such improvement is proposed to be made, and within the limits and bounded on said improvement, as hereinbefore specified."

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved April 4, 1865.

CHAPTER 294.

[*Published May* 8, 1885.]

AN ACT to enable the city of Racine to compromise and pay its indebtedness.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

May issue bonds to compromise indebtedness.

SECTION 1: The city of Racine is hereby authorized to make, issue and dispose of bonds to such an amount as may be necessary for the purpose of raising money to compromise and pay its indebtedness to such of its creditors as will accept cash for the amount which shall be agreed to be paid to them upon such compromise.

Form, denomination, &c. of bonds

SECTION 2. The bonds authorized to be issued by section one of this act, shall be in such form and for such sum each as shall be determined by the city council of said city, and shall be made payable at the office of the city treasurer of said city, in one year from the date thereof, and shall bear interest at the rate of seven per cent., payable annually.

How taxes for principal and interest to be levied

SECTION 3. All taxes to be levied as hereinafter provided, for the payment of the principal and interest of the bonds mentioned in sections one and two of this act, shall be levied upon the real estate of said city, and all personal property shall be wholly exempt from taxation for the purpose aforesaid.

Special annual tax for payment of bonds.

SECTION 4. After the issue of the bonds authorized to be issued by the first and second sections of this act, said city shall levy in the manner and at the time now provided by law for the annual levy of taxes in said city, upon the then existing assessment of the real estate of said city, as then corrected and equalized, a special tax sufficient to pay the amount of said bonds.

Application of laws.

SECTION 5. All of the provisions of law now in force relating to the collection of taxes in said city, giving and publishing notices, making sales for unpaid taxes, issuing certificates of such sales, the execution of conveyances of real estate so sold, the redemption of lands sold for the non-payment of taxes, and the fees of the treasurer of said city for collecting taxes and issuing certificates, shall be applicable to and govern the collection of the taxes authorized to be levied by and under section four of this act: *provided, however*, that all

Interest on tax certificates.

certificates issued upon sales for the non-payment of the taxes authorized to be levied by said section four of this act, shall bear interest at the rate of ten per cent.

Special tax to be kept separate.

SECTION 6. All taxes to be levied and collected by virtue of section four of this act, for the payment of the bonds hereinbefore mentioned, shall be placed in a separate column of the general tax roll, and all moneys collected thereon shall be kept distinct and separate from other moneys of the city, and upon the sale of lands for the non-payment of such taxes, separate certificates and deeds shall be given.

Bonds receivable for taxes.

SECTION 7. The bonds which by sections one and two of this act, said city is authorized to issue, shall be receivable in payment of the taxes that shall be levied to pay the same; and the treasurer of said city shall, upon presentation to him of any bond exceeding in amount the tax which the holder of such bond may desire to pay, and upon the request of such holder, indorse upon such bond the amount of such tax; and said tax shall be canceled.

Tax may be indorsed on bond.

Bonds may also be issued to pay creditors who will not compromise for 25 per cent. in cash.

SECTION 8. The said city of Racine is hereby further authorized to make, issue and deliver other bonds to such an amount as may be necessary for the purpose of compromising that portion of its indebtedness held by such creditors as will not accept cash upon compromise, and as will accept said bonds in payment of the amount which may be agreed to be received by them in compromise and satisfaction of such indebtedness: *provided*, that no bonds authorized to be issued by this section, shall be issued to any creditor or creditors who will accept twenty-five per cent. in cash of the principal of the indebtedness held by them against said city.

Form, &c. of bonds, and where and when payable.

SECTION 9. The bonds authorized to be issued by the preceding section, shall be in such form and for such sum each as shall be agreed upon between said city and said creditors, and shall be made payable in the city of New York, at such place as may be designated in said bonds, and at such time, not exceeding twenty-five years from the date thereof, as may be agreed upon between said city and said creditors, and shall bear interest at six per cent. per annum, payable annually at the place where said bonds are payable, upon presentation of interest coupons, to be attached to said bonds.

Annual tax for interest.

SECTION 10. After the issue of the bonds author-

ized to be issued by section eight of this act, said city shall annually levy a tax at the time and in the same manner that other taxes are levied in said city, upon the real estate thereof, sufficient to pay the interest of such bonds for each year, as said interest shall fall due; and as such bonds shall become due and payable, said city shall levy a tax to pay the principal thereof, and all personal property shall be wholly exempt from taxation for the purposes aforesaid.

Ibid. principal.

Bonds receivable for taxes.

SECTION 11. The bonds and coupons which by sections eight and nine of this act, said city is authorized to issue, shall be receivable in payment of the taxes that shall be levied to pay the same; and the treasurer of said city shall, upon presentation to him of any such bond exceeding in amount the tax which the holder of such bond may desire to pay, and upon the request of such holder, indorse upon such bond the amount of such tax, and said tax shall be canceled.

Tax may be indorsed on bond.

Repeal.

SECTION 12. Chapter one hundred of the general laws of 1861, entitled "an act to enable the city of Racine to readjust and arrange its bonded indebtedness," approved March 2d, 1861, is hereby repealed.

SECTION 13. This act shall take effect and be in force from and after its passage and publication.

Approved April 5, 1865.

CHAPTER 295.

[*Published May* 19, 1865.]

AN ACT to authorize the Bank of the Northwest to reduce its capital stock.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Capital stock may be reduced.

SECTION 1. The Bank of the Northwest is hereby authorized to reduce its capital stock to any sum not less than twenty-five thousand dollars, upon filing with the bank comptroller a certificate from the secretary of state, that said bank has complied with the requirements of subdivision thirteen of an act to amend chapter 479 of the general laws of Wisconsin

for the year 1852, entitled "an act to authorize the business of banking in the state of Wisconsin," approved May 15th, 1858, and setting forth in said certificate the amount to which such capital stock is to be reduced: *provided*, that said bank shall not be allowed to reduce its capital stock to an amount less than its circulating notes outstanding at the time of the filing of the certificate required in this section; and said bank shall be required to pay to the state treasurer all taxes due to the state on the full amount of its capital up to and including the day on which such certificate is filed with the bank comptroller. Proviso.

SECTION 2. The president and cashier of the bank named in section one of this act, shall file in the office of the register of deeds in the county where said bank is located, a certificate, under oath, stating the sum to which the capital stock of said bank is reduced. Certificate to be filed.

SECTION 3. This act shall take effect and be in force from and after its passage.

Approved April 5, 1865.

CHAPTER 296.

[*Published May* 19, 1865.]

AN ACT relative to the registration of electors, and amendatory of section one of chapter four hundred and forty-five of the general laws of 1864, entitled "an act to guard against the abuse of the elective franchise, and to preserve the purity of elections, by a registration of electors."

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. Section one of chapter four hundred and forty-five of the general laws of 1864, is hereby amended, so as to read as follows: "The persons authorized by law to act as inspectors of elections in any town, ward or incorporated village in this state, shall constitute a board of registry for their respective towns, wards or villages, and their duties shall be as follows: The said board shall annually make a list, as hereinafter prescribed, of all persons qualified and entitled to vote at the then ensuing gen- Inspectors of election to constitute board of registry. Annually to make list of qualified electors

eral election, in the election district of which they are inspectors. The said inspectors at their first meeting, on Tuesday, three weeks preceding each general election, shall have power, if necessary, to sit two days for the purpose of making said list: *provided*, that at the annual election next prior to said meeting, the number of voters in the district of which they are inspectors, exceeded four hundred."

May sit two days in certain districts.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved April 5, 1865.

CHAPTER 297.

[*Published May* 19, 1865.]

AN ACT to amend chapter 415 of the laws of 1852, entitled "an act to incorporate the Mineral Point railroad company," and chapter 67 of the laws of 1853, entitled "an act to amend an act entitled 'an act to incorporate the Mineral Point railroad company.'"

(*See supplement to local laws.*)

CHAPTER 298.

[*Published May* 20, 1865.]

AN ACT to authorize the town of Norway to collect certain taxes voted and raised therein, for bounty purposes.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Bounty tax may be assessed and collected.

SECTION 1. The town board of supervisors of the town of Norway, in the county of Racine, are hereby authorized and required, within twenty days after receiving a certified copy of a final order of court, dissolving the injunction heretofore granted to restrain the collection of that certain tax voted and raised for bounty purposes, at a special town meeting held in

said town on the 8th day of February, 1864, to make or cause to be made a copy of the assessment roll of real and personal property of said town, for said year 1864, and upon the valuation of said property to apportion and carry out in said roll the said tax so voted for the purpose aforesaid, and cause a warrant for the collection of said tax to be annexed thereto, which warrant shall be made by the town clerk of said town, and shall conform as near as possible to the warrant prescribed by law for the collection of other taxes, commanding the treasurer of said town to collect said tax within thirty days from the date of said warrant; and said roll and warrant shall be forthwith delivered to the treasurer of said town.

Authority to treasurer.

SECTION 2. Said treasurer shall proceed forthwith to the collection of such tax, and for that purpose shall have all the power and authority vested in him by law for the collection of other taxes, and shall give notice as required in section 69, chapter 18, of the revised statute, that the assessment roll for said tax is in his hands for collection; but before he shall distrain the property of any person, he shall give such person or his agent or representative, if to be found in said town, at least three days' notice, by making demand of the tax so as aforesaid imposed on such person, and said treasurer shall be entitled to receive and collect the same fees as for collecting other taxes.

Application of tax.

SECTION 3. The taxes so collected by said treasurer, and the moneys received by him from the county treasurer, as hereinafter provided, shall be paid out by him in redemption of the town orders heretofore issued by the supervisors of said town, for and on account of the tax so voted as aforesaid, and for no other purpose.

Return of delinquent taxes.

SECTION 4. If said treasurer shall be unable to collect any portion of the tax so as aforesaid raised and levied, he shall make return of such delinquent taxes, and of the lands on which the same were levied, immediately after the expiration of the time herein limited for the collection by him of such tax, to the treasurer of Racine county. Such delinquent return shall be in the form and shall be verified in the manner prescribed by law for the return of other delinquent taxes.

Collection of delinquent taxes.

SECTION 5. Upon receiving such delinquent return, said county treasurer shall give to the treasurer of said town duplicate certificates, showing the amount of said

delinquent tax so returned, specifying the amount delinquent on real estate, and the amount delinquent on personal property; which certificate shall be presented by said town treasurer to the clerk of the board of supervisors of said county, who shall countersign one of said certificates, and return it to said town treasurer, and shall retain the other, and safely keep it in his office; and in relation to such tax, said county treasurer shall thereafter proceed in the same manner as if said delinquent tax had been included in the general tax roll for the year 1864, and for the purpose of collecting such delinquent tax, shall have all the power and authority vested in him by law for the collection of other delinquent taxes.

County treasurer to pay taxes to town treasurer.

SECTION 6. It shall be the duty of said county treasurer to pay to the treasurer of said town on demand, all moneys collected by him, whether by sale for taxes or otherwise, upon the delinquent tax list returned, as provided in section 4 of this act.

SECTION 7. This act shall take effect and be in force from and after its passage and publication.

Approved April 5, 1865.

CHAPTER 299.

[*Published May* 19, 1865.]

AN ACT to incorporate the Eureka petroleum company.

(*See supplement to local laws.*)

CHAPTER 300.

[*Published May* 19, 1865.]

AN ACT to incorporate the Minerva petroleum company.

(*See supplement to local laws.*)

CHAPTER 301.

[*Published May* 19, 1865.]

AN ACT to prohibit volunteer and substitute brokerage.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. It shall be unlawful for any person to be engaged in or to carry on the business of procuring volunteers or substitutes to be credited to any other draft subdistrict than the one in which the person so volunteering or becoming a substitute resides, or in any way sell or dispose of any credit to or for any locality whatever: *provided*, that nothing herein contained shall be construed to prohibit any person not subject to draft, from becoming a substitute for another who is subject to draft, or who may have been drafted within this state, or being credited to any draft subdistrict within this state, which he may select.

Broker not to procure volunteer to be credited out of his subdistrict.

Proviso.

SECTION 2. Any person who shall violate any of the provisions of the preceding section, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by fine, not less than one hundred dollars nor more than one thousand dollars, or by imprisonment in the county jail, not exceeding the term of six months, or by both fine and imprisonment, in the discretion of the court.

Penalty.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved April 5, 1865.

CHAPTER 302.

[*Published May* 19, 1865.]

AN ACT granting to Samuel D. Van Gorder and his associates, the right to establish and maintain a ferry across the Mississippi river, at some point in the county of Buffalo, opposite the city of Winona, in the state of Minnesota.

(*See supplement to local laws.*)

CHAPTER 303.

[*Published May* 20, 1865.]

AN ACT to incorporate the Germania savings bank.

(*See supplement to local laws.*)

CHAPTER 304.

[*Published May* 20, 1865.]

AN ACT empowering towns, cities and incorporated villages to raise money by tax to pay bounties to veterans who have re-enlisted in the service of the United States, and have heretofore received no local bounty from any source.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Towns, cities and villages may pay bounties to volunteers who have received no bounties.

SECTION 1. The qualified electors of any town, city or incorporated village in this state, shall have power, at any annual meeting thereof, to vote to raise by tax such sum or sums of money as they may deem necessary, to pay bounties to veterans who may have re-enlisted in the service of the United States, and have become credited to such town, city or incorporated village, on any call of the president of the United States heretofore made for volunteers for the military service of the United States, and who have heretofore received no local bounty from any source: *provided*, that no larger sum than two hundred (200) dollars of such bounty shall be paid to any one of the above named veterans.

Limit to bounty.

Request for and notice of meeting.

SECTION 2. The clerk of any town, city or incorporated village in this state, shall, upon the request in writing of any ten (10) or more of the qualified electors and freeholders of such town, city or incorporated village, stating the amount desired to be raised, and the number of veterans to whom it is proposed to pay this bounty, give notice of the intention to submit the question of raising such bounty to the voters of such town, city or incorporated village, at its next annual

meeting, by posting notices of such intention in at least three (3) public and conspicuous places in such town, city or incorporated village, stating the sum proposed to be raised, and the number of such re-enlisted veterans to whom it is proposed to pay the before named bounty, at least ten (10) days before such annual meeting.

A less sum may be agreed upon.

SECTION 3. The qualified electors assembled at any such annual meeting, not less than fifteen (15) in number, may, before proceeding to vote on the question of raising such bounty, agree or determine upon a less sum to be voted for such purpose than that named therefor in the notices mentioned in the preceding section.

Collection of tax.

SECTION 4. The amount so voted to be raised, shall be assessed on the taxable property of such town, city or incorporated village, and put in the next annual tax roll, and collected in all respects as other taxes are collected in the town, city or incorporated village, as the case may be, unless such meeting shall determine that the collection of some part thereof may be deferred one year or more.

When bonds may be issued.

SECTION 5. In case it shall be determined to defer the collection of any portion of the above named tax for one year or more, the proper officers of the town, city or incorporated village, shall have power to issue orders or bonds, drawing interest at the rate of not more than seven (7) per cent. per annum, (to the amount of the tax so deferred,) until paid.

SECTION 6. This act shall take effect and be in force from and after its passage.

Approved April 5, 1865.

CHAPTER 305.

[*Published April* 18, 1865.]

AN ACT relating to evidence, and amendatory of section fifty-one of chapter one hundred and thirty-seven of the revised statutes.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

In what cases witness may be disqualified.

SECTION 1. Section 51 of chapter 137 of the revised statutes, is hereby amended, so as to read as follows: "Section 51. A party to a civil action or proceeding shall not be examined as a witness on the trial, when the opposite party sues or defends as administrator or legal representative of any deceased persons; nor shall he be examined in relation to any matter in controversy in such action or proceeding, which the plaintiff or defendant claims as assignee, when the original assignor is dead or insane, or otherwise legally incapaciated from giving testimony; nor in relation to any matter in controversy arising out of any transaction managed or conducted by an agent of the opposite party, or by an agent of the original assignor of such party, when such agent is dead or insane, or otherwise legally incapaciated from giving testimony; and no assignor of a contract or thing in action, shall be admitted as a witness on the trial in behalf of the person claiming title through or from him, against an assignee or executor or administrator, unless the other party to such contract or thing in action, whom the plaintiff or defendant represents is living, and his testimony can be procured."

SECTION 2. This act shall take effect from and after its passage and publication.

Approved April 5, 1865.

CHAPTER 306.

[*Published May* 19, 1865.]

AN ACT to repeal section 28, chapter 302, of the private and local [general] laws of 1861, entitled "an act to create the municipal court of the city and town of Ripon," and to authorize the payment of a salary to the judge of said court.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. Sections twenty-eight (28) and thirty-two (32) of chapter three hundred and two of the private and local [general] laws of the state of Wisconsin, for the year 1861, are hereby repealed. Repeal.

SECTION 2. The judge of the municipal court of the city and town of Ripon shall receive as his compensation for all services rendered by him as such judge, the salary of two hundred and fifty dollars per annum. Salary of judge.

SECTION 3. Such salary shall be paid as follows: Three-fourths thereof by the city of Ripon, and one-fourth thereof by the town of Ripon. How payable.

SECTION 4. The state tax provided for by section twenty-six of said chapter three hundred and two (302,) shall be paid to said judge as therein provided; but all such sums so paid, shall be applied on the salary of such judge, and the amount thereof be deducted therefrom. State tax. Application.

SECTION 5. This act shall take effect from and after its passage.

Approved April 6, 1865.

CHAPTER 307.

[*Published April* 8, 1865.]

AN ACT to amend an act entitled "an act to consolidate and amend the act to incorporate the city of Kenosha, and the several acts amendatory thereto," approved March 2d, 1857.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. Section two of chapter seven of an act entitled "an act to consolidate and amend the act to Amendments.

incorporate the city of Kenosha, and the several acts amendatory thereto," approved March 2d, 1857, is hereby amended, by adding after the word "highways," where the same first occurs in said section, the words "streets, alleys;" also, by inserting the same words in the singular number where they subsequently occur in the reading of said section, after the word "highway."

When council may order opening, &c. of streets

SECTION 2. Section nine of said chapter seven is also further amended, by adding thereto the words, "but upon satisfactory proof of such tender or deposit having been made, the common council shall, except in case of the appeal provided for in sections eleven and twelve of said chapter, make such order for the immediate opening, altering, widening, improving, straightening or vacating such highways, streets, alleys or public grounds, as may seem expedient."

SECTION 2 [3.] This act shall take effect and be in force from and after its passage and publication.

Approved April 6, 1865.

CHAPTER 308.

[*Published May 20, 1865.*]

AN ACT to repeal chapter 994 of the private and local laws of 1856, entitled "an act to vacate a portion of Hinckley's subdivision of section No. 31, in township No. 19 north, of range No 24 east, in Manitowoc county."

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Repealed.

SECTION 1. Chapter four hundred and ninety-four of the private and local laws of the year 1856, entitled "an act to vacate a portion of Hinckley's subdivision of section No. thirty-one (31,) in township No. nineteen (19) north, of range twenty-four (24) east, in Manitowoc county," is hereby repealed; and all that portion of said Hinckley's subdivision, and the recorded plat thereof, and the lots and streets laid down thereon, which were vacated by the said act, are hereby revived, restored and re-established, and made to stand and be as valid and effectual, to all intents and

Revived.

purposes, as if the said act vacating the same had never been passed.

Approved April 6, 1865.

CHAPTER 309.

[*Published May* 19, 1865.]

AN ACT to amend and define the boundary line between the towns of Seneca and St. Marie, in the county of Green Lake.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. The boundary line between the towns of Seneca and St. Marie, in the county of Green Lake, so far as the same is now formed by White river, in township seventeen north, of range twelve east, is hereby altered and amended, so as that the following shall hereafter be the line between said towns, to wit: Commencing at the quarter post in the west line of section nineteen, and running thence east to the quarter post between sections nineteen and twenty, thence south to the southwest corner of section twenty, thence east to the quarter post between sections twenty and twenty-nine, thence south to the center of section twenty-nine, thence east to the quarter post between sections twenty-seven and twenty-eight, thence south to Fox river, where it intersects the west line of section thirty-four; thence down said Fox river to the mouth of White river; and all the land in the aforesaid sections which lies north and east of said described line, shall be in and belong to the town of Seneca, and all the land in the aforesaid sections which lies south and west of said described line, shall be in and belong to the town of St. Marie. Boundary defined.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved April 6, 1865.

CHAPTER 310.

[*Published May* 22, 1865.]

AN ACT to legalize the proceedings of the town of Leeds, in Columbia county, in raising by tax bounties to be paid to volunteers.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Bounty tax proceedings legalized.

SECTION 1. The town meetings of the town of Leeds, in the county of Columbia, held for the purpose of voting to raise by tax extra bounties to be paid to volunteers into the military service of this state or of the United States, and all the votes, acts and resolves of said meetings, or any of them, concerning the offering, pledging and voting to raise such bounty money, are hereby declared legal, valid and binding in the law, the same and as fully as if the said meeting or meetings had been notified and conducted in all respects in accordance with the provisions of law then in force relating to that subject.

Town orders legalized.

SECTION 2. All the official acts of the supervisors of the said town of Leeds done, and performance of the electors of said town, to raise money to pay such extra bounty to volunteers, are also hereby declared valid and binding in the law; and all the town orders signed by the chairman of the board of supervisors of said town, and countersigned by the town clerk of said town, payable out of the volunteer bounty fund of said town, are hereby declared valid and binding in the law, the same as if the law had been strictly complied with in auditing the claims for which they were issued, and in issuing the same.

SECTION 3. This act shall be in force from and after its passage and publication.

Approved April 6, 1865.

CHAPTER 311.

[*Published May* 22, 1865.]

AN ACT for the relief of the Iowa county agricultural society.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. The Iowa county agricultural society is hereby declared to be entitled to the annual appropriation for the year 1864, as provided in section four of chapter fifty-three of the general laws of the year 1858, the same and as fully as if the said society had fully complied with the provisions of law in making and publishing their annual report for said year; and the secretary of state is hereby authorized and directed to issue an order on the state treasurer, directing him to pay to the said Iowa county agricultural society the sum of one hundred dollars: *provided, however*, the said society shall, before receiving said appropriation, establish by proper proof to the secretary of state, the fact that a county fair was held in said year in the said county of Iowa.

Society entitled to appropriation.

Order authorized on state treasurer.

Proviso.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved April 6, 1865.

CHAPTER 312.

[*Published May* 22, 1865.]

AN ACT to amend chapter 319 of the private and local [general] laws of 1862, entitled "an act to limit the powers of the common council of the city of Hudson."

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. Section one of the above entitled act is hereby amended, by striking out the words, "to an amount not exceeding two hundred dollars in any one year," in the third and fourth lines of said section.

Amendment.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved April 6, 1865.

CHAPTER 313.

[*Published May* 22, 1865.]

AN ACT to authorize the town of Trenton, county of Washington, to pay bounties to families of drafted men, or to substitutes of drafted men.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

May pay bounties to families of drafted men.

SECTION 1. When the tax voted at a special town meeting held in the town of Trenton, in the county of Washington, in this state, in the month of February, A. D. 1865, for the purpose of paying bounties to volunteers, shall have been collected according to law, it shall be lawful, and the said town is hereby authorized and empowered, through its proper officer or officers, to pay or issue orders to drafted men or their families, or to any drafted man who shall furnish a substitute credited to said town upon its quota under the last call of the president of the United States for men to serve in the military service of the United States not exceeding two hundred dollars to each family of drafted men, or to each substitute for a drafted man.

Limit to bounty.

SECTION 2. This act shall take effect and be in force from and after its passage.

Approved April 6, 1865.

CHAPTER 314.

[*Published May* 22, 1865.]

AN ACT to change the name of the town of Hudson, in Walworth county, to that of Lyons.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. The name of the town of Hudson, in Walworth county, is hereby changed to that of Lyons. Name changed.

SECTION 2. This act shall be in force from and after its passage.

Approved April 6, 1865.

CHAPTER 315.

[*Published May* 20, 1865.]

AN ACT to amend an act limiting the powers of the common council of the city of Hudson, approved April 5th, 1861.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. The common council of the city of Hudson are hereby authorized and empowered, for the purpose of aiding in building a bridge across Willow river at or near its mouth, to issue orders or certificates of indebtedness, to an amount not exceeding thirty-five hundred dollars, and deliver the same to the contractor who builds the same, and shall have power to provide for the redemption thereof by tax upon the taxable property of said city, as in other cases. May issue orders for bridge purposes.

SECTION 2. All acts and parts of acts inconsistent with this act, are hereby repealed. Repeal.

SECTION 3. This act shall take effect and be in force from and after its passage.

Approved April 6, 1865.

CHAPTER 316.

[*Published May* 20, 1865.]

AN ACT to authorize the governor to sign patents for certain state lands.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Patents to Fox and Wisconsin rivers improvement land.

SECTION 1. The governor is hereby authorized, upon presentation of the certificate of sale issued by the register of the state land office, to sign and issue patents to the holder of such certificate, for lands appropriated to this state by act of congress approved August 8th, 1846, for the improvement of the Fox and Wisconsin rivers, which were sold by the state prior to the organization of the Fox and Wisconsin improvement company.

SECTION 2. This act shall take effect immediately.

Approved April 6, 1865.

CHAPTER 317.

[*Published May* 20, 1865.]

AN ACT to change the name of Genoa, in the town of Bloomfield, county of Walworth, to Bloomfield.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Name changed.

SECTION 1. The name of Genoa, in the town of Bloomfield, Walworth county, is hereby changed to Bloomfield.

SECTION 2. This act to be in force from and after its passage.

Approved April 6, 1865.

CHAPTER 318.

[*Published May* 20, 1865.]

AN ACT for the relief of the Calumet county agricultural society.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

When order may be issued in favor of.

SECTION 1. The secretary of state is hereby directed to issue an order on the state treasurer, in favor of the Calumet county agricultural society, as provided by section five, chapter fifty-three (53) of the general laws of 1858: *provided*, that the annual report of said society for the year 1864, is on file in the office of the secretary of state at the time of the passage of this act.

SECTION 2. This act shall take effect and be in force from and after its passage.

Approved April 6, 1865.

CHAPTER 319.

[*Published May* 20, 1865.]

AN ACT to authorize Andrew Tainter and Thomas B. Wilson to construct and maintain a dam across Chetack river, in the county of Dallas.

(*See supplement to local laws.*)

CHAPTER 320.

[*Published April* 11, 1865.]

AN ACT in relation to insurance companies doing business in this state.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Insurance companies to deposit certain amounts of state bonds with state treasurer.

SECTION 1. Every incorporation or association, whether organized under the laws of this state or of any other state of the United States, or of any foreign government, doing the business of insurance in this state, is hereby required, in addition to what is now required by the laws of this state, to deposit on or before the first day of June next, with the state treasurer, bonds of the state of Wisconsin, to the amount hereinafter mentioned, graduated according to the gross amount of premiums received in Wisconsin during the year 1864, as exhibited by the annual statements of such insurance companies, filed with the secretary of state, as follows: Where any such insurance company has received the sum of sixty thousand dollars and upwards, as the gross amount of premiums, it shall so deposit thirty thousand dollars of such bonds; and where any such insurance company has received the sum of forty-five thousand dollars, and less than sixty thousand dollars, as the gross amount of premiums, it shall so deposit twenty-five thousand dollars of such bonds; and where any such insurance company has received the sum of thirty thousand dollars, and less than forty-five thousand dollars, as the gross amount of premiums, it shall so deposit twenty thousand dollars of such bonds; and where any such insurance company has received the sum of twenty thousand dollars, and less than thirty thousand dollars, as the gross amount of premiums, it shall so deposit eighteen thousand dollars of such bonds; and where any such insurance company has received the sum of fifteen thousand dollars, and less than twenty thousand dollars, as the gross amount of premiums, it shall so deposit twelve thousand dollars of such bonds; and where any such insurance company has received the sum of ten thousand dollars, and less than twelve thousand dollars, as the gross amount of

$30,000.

$25,000.

$20,000.

$18,000.

$12,000.

$8,000.

premiums, it shall so deposit eight thousand dollars of such bonds; and where any such insurance company has received the sum of eight thousand dollars, and less than ten thousand dollars, as the gross amount of premiums, it shall so deposit seven thousand dollars of such bonds; and where any such insurance company has received the sum of six thousand dollars, and less than eight thousand dollars, as the gross amount of premiums, it shall so deposit six thousand dollars of such bonds; and where any such insurance company has received the sum of five thousand dollars or less, and less than six thousand dollars, as the gross amount of premiums, it shall so deposit five thousand dollars of such bonds, at their par value, to be held by the state for the purposes hereinafter specified: *provided*, that whenever in the opinion of the state treasurer, it shall be impossible for any company or association to purchase such bonds or any part thereof, at prices not exceeding the par value thereof, it shall be lawful for such company or association to deposit bonds of the United States, bearing interest at six per cent. at their par value, in lieu of bonds of this state: *provided*, that in estimating the amount to be deposited by mutual insurance companies, their premium notes shall be taken into account: *provided*, that nothing contained in this proviso shall be so construed as to exempt any mutual insuranse company from a compliance with the provisions of this section hereinbefore contained; and each insurance company every year after the deposit of such bonds, shall, in case the gross amount of premiums received by such company exceed the receipts of the year for which the deposit was made, deposit an additional amount of such bonds with the state treasurer, which, together with the bonds before deposited and still remaining in the hands of the state treasurer, amount to such sum as would, under the provisions of this act, have been required of any such company, had the gross amount of premiums been the same the previous year as the year of such increase; *and provided, further*, that the provisions of this act shall not be so construed as to prevent any insurance company from doing business in this state under any license authorizing such company to transact business, until the expiration of the term of such license.

$7,000.

$6,000.

$5,000.

When U.S. bonds may be deposited

Mutual companies.

When additional bonds must be deposited.

Construction.

New state companies and foreign companies not now doing business in this state, to deposit $5,000.

SECTION 2. It shall not be lawful for any incorporation or association hereafter organized under the laws of this state, or for any incorporation or association organized under the laws of any other state or country, and not now doing business in this state, or for any agent of any such incorporation or association, to take any risk, issue any policies or receive any premiums in this state, or directly or indirectly to transact any business of insurance in this state, until such company or association shall have made a deposit of five thousand dollars of bonds with the state treasurer, for the purposes contemplated by this act.

Treasurer to give receipt for bonds

SECTION 3. It shall be the duty of the state treasurer to give each company or association making such deposit, or to an agent of any such company, a certificate stating the number, kind and amount of bonds deposited by such company or association, and that they are held by the state of Wisconsin in trust for the purposes of this act. All bonds so deposited by any company or association, shall be stamped by the state treasurer with a stamp which shall indicate the purpose for which they are held and the name of the company or association to which they belong; and said treasurer shall not use or dispose of such bonds, except as is provided by this act. It shall also be the duty of the state treasurer, on or before December 31st, 1865, to certify to the secretary of state the name of each company and association that shall have so deposited bonds, and the date of such deposit, and thereafter to make such certificate to the secretary of state immediately on receiving such deposit from any company or association.

Bonds to be stamped.

Names of companies depositing, to be certified to sec'y of state.

Bonds to be held in trust for benefit of parties insured.

SECTION 4. All such bonds deposited, shall be held in trust for the company or association depositing the same, and for the benefit and security of such parties as may effect insurance with such company, and shall not be withdrawn till all liabilities of the company to parties in this state are discharged. Such bonds shall not be subject to attachment or execution, as the property of the company or association depositing the same; but whenever there shall be presented to the state treasurer a certificate of a clerk of a court of record in this state, showing that a person, party, corporation or firm has recovered and is the holder of a

Bonds not subject to attachment.

In case of judgment against company, bonds may be sold and judgment satisfied.

judgment in said court against any such company or association, which judgment has remained in force, not reversed, and without stay of execution thereon, and not satisfied, for the space of sixty days, and stating the amount of such judgment and the date of its rendition, it shall be the duty of the state treasurer at once to notify such company or association, by advertisement in the official state paper, of the presentation of such certificate; and if such company or association shall neglect for twenty days after the publication of such notice, to pay to the state treasurer, for the use of the holder of such judgment, a sum sufficient to pay the amount due thereon, and the cost and expenses of the certificate and notice, it shall be the duty of the state treasurer to sell, either at public or private sale, either in this state or in the city of New York, as he may deem best, a sufficient number of the bonds deposited by such company, and held by him, to pay and satisfy such judgment and interest, and all costs and expenses incurred under this act. After the receipt of the money, either from such company or association, or from a sale of its bonds, it shall be the duty of the state treasurer, after deducting all expenses incurred by him, to pay the holder of such judgment the amount thereof, in satisfaction of the same, and to take such holder's duplicate receipt and discharge of such judgment, one copy of which he shall deliver to such company or association, or its agent, on demand: *provided*, that in case the amount realized from the sale of such bonds shall be insufficient to pay the whole amount due on such judgment, and costs and expenses, it shall be the duty of the state treasurer, after deducting all expenses incurred by him, to pay the remainder to the holder of such judgment, and take his duplicate receipt therefor.

Interest coupons to be delivered to company.

SECTION 5. All interest coupons as they become due and payable, or the money therefor, shall be delivered by the state treasurer to the company or association which deposited the bonds to which they were attached, or to its authorized agent.

In case company desire to retire from business.

SECTION 6. Any company or association which shall hereafter desire to retire from the business of insurance in this state, shall be entitled to a return by the state treasurer of its bonds deposited in pursuance of this act, and remaining in the possession of the state

treasurer, on exhibiting satisfactory evidence that all the liabilities of such company or association, as such insurer in this state, are dischaged.

In case bonds are sold to satisfy judgment, company to deposit additional bonds, or certificate to be revoked.

SECTION 7. After any bonds deposited by any company or association, shall have been sold, as provided in section four of this act, it shall not be lawful for any such company or association, or any agent of any such company or association, to continue to transact the business of insurance in this state, until such company or association, or its agents, shall have deposited with the state treasurer bonds to make good the amount required by this act to be deposited; and it shall be the duty of the state treasurer, immediately after any such sale of bonds deposited by any company or association organized under the laws of any other state or country, and doing business in this state, to notify the secretary of state, who shall at once revoke his certificate and authority to such company to transact business.

No certificate to issue after Dec. 31, 1865, until bonds shall have been deposited.

SECTION 8. After December 31st, 1865, the secretary of state shall not issue to any insurance company incorporated under the laws of any other state, a certificate, with authority to do business in this state, as is provided in chapter 190 of the general laws of 1859, unless, in addition to the statement now required by law to be furnished by such company, it shall also have deposited with the state treasurer bonds to the amount and at the time required by this act.

Who deemed agent.

SECTION 9. Any person in this state who shall receive or receipt for any money on account of or for any policy cr renewal, or other contract of insurance of any kind, made by any insurance company or association organized under the laws of any other state, or who shall receive or receipt for money from other persons, to be transmitted to such company or association, for any policy of insurance or renewal of such policy, or any contract of insurance whatever, although such policy, renewal cr other contract may not be signed by such person as the agent of such company or association, and any person who shall in any way, directly or indirectly, make or aid in making any insurance contract, or transacting any insurance business for or on account of any such company or association, shall be taken and held to be an agent of such company for the purposes of this act, and as such, subject

to all its provisions: *provided*, that nothing contained in this act shall be held to prohibit any person from collecting and receipting for any annual or other payment to any life insurance company, on a policy previously made and issued.

Payments on life policies already issued.

SECTION 10. Any person, being an officer or agent of any such company or association, who shall willfully violate any of the provisions of this act, shall be deemed guilty of misdeamor, and upon conviction thereof shall be punished by imprisonment in the county jail, not more than one year nor less than twenty days, or by fine, not more than five thousand dollars, nor less than two hundred dollars, or both, in the discretion of the court.

Penalties.

SECTION 11. Anything contained in chapter seventy-two of the revised statutes, relative to insurance companies, or in any act amendatory thereof, or in chapter 190 of the general laws of 1859, or in any act amendatory thereof, or in any act incorporting any insurance company now existing in this state, which is repugnant to or inconsistent with the provisions of this act, is hereby repealed.

Repeal.

SECTION 12. All bonds of this state, not on deposit with the bank comptroller, in pursuance of the banking law of this state, are hereby declared to be exempt from all taxation and assessment, by whomsoever held or owned; and all bonds of this state which are now on deposit with the bank comptroller, which shall hereafter, in pursuance of any law of this state, be withdrawn from said bank comptroller's custody, shall thereafter be exempt from taxation and assessment for any purpose, in whose hands soever the same may be.

Exempt from taxation.

SECTION 13. It is hereby declared as a portion of the contract between this state and any insurance company or companies which shall, in pursuance of the provisions of this act, deposit bonds of the state of Wisconsin, as mentioned in section one of this act, that the state will, at the option of any such insurance company, take up at par any and all bonds held by any such company complying with the provisions of this act, on the first day of January, A. D. 1870, and the said company may deposit in lieu thereof the bonds of the United States: *provided*, that if the said company or companies so holding said bonds, shall fail to elect to have the state take the same at par, by filing

State will take up bonds Jan. 1, 1870, and deposit U. S. bonds.

When bonds subject to taxation.

with the secretary of state a notice, in writing, of such election, on or before the first day of January, 1869, then the said bonds shall be subject to taxation, in all respects the same as if this act had not passed, and the state shall not be bound to redeem them until due.

SECTION 14. This act shall take effect and be in force from and after its passage and publication.

Approved April 6, 1865.

CHAPTER 321.

[*Published May 22, 1865.*]

AN ACT to amend an act entitled "an act to incorporate the Milwaukee mechanics' mutual insurance company," approved February 18th, 1852, and the several acts amendatory thereof.

(*See supplement to local laws.*)

CHAPTER 322.

[*Published May 23, 1865.*]

AN ACT to authorize the city of Beloit to raise money by wards, for the payment of bounties to voluntees for military service of the United States, and to provide for the levy and collection of the same.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Any ward may vote bounties to volunteers and persons furnishing substitutes.

SECTION 1. The qualified electors of any ward of the city of Beloit, in this state, shall have power at any meeting of such electors, called and held as hereinafter provided, to vote to raise by a tax, to be levied upon the taxable property in such ward, such sum or sums of money as they may deem necessary, to pay bounties to volunteers in the service of the United States, who may have enlisted or shall hereafter enlist and become credited to such ward upon its quota, and also to persons who shall procure substitutes for

themselves before being drafted, and have them credited to such ward upon its quota, under any call which may hereafter be made by the president for volunteers for the military service of the United States: *provided*, that not more than two hundred dollars shall be paid to any one volunteer, or person furnishing such substitute, out of such bounty tax so voted.

Limit to bounty.

SECTION 2. A meeting of the qualified electors of any such ward in said city of Beloit, may be held for the purpose aforesaid, upon a written petition to the clerk of said city, signed by five or more qualified electors and freeholders in such ward, which petition shall set forth the purpose for which such meeting is asked by the petitioners, together with the amount of money sought to be raised by tax at such meeting for such purpose; and it shall be the duty of the clerk of said city, upon presentation to him of such petition, to call a meeting of the qualified electors of such ward, by posting notices of the same in three or more public places in such ward, stating the time when and the place where such meeting will be held, and the object of the same, together with the amount of tax proposed, to be posted not less than five nor more than fifteen days previously to the time appointed for holding such meeting, and each meeting shall be held at the place designated therefor in the petition asking for the same.

Petition for and notice of election

SECTION 3. The aldermen of the respective wards of said city shall constitute the board of inspectors for such meetings, and they shall take the usual oaths or affirmations prescribed by the general laws of the state to be taken by the inspectors of elections, and shall have power to appoint a clerk of such election, and to administer the necessary oaths. Such election shall be by ballot, and the elector shall declare his intention by inscribing on his ballot "for tax," or "against tax," or words of similar import. And such electors shall at the same time choose a board of three commissioners to take charge of the procuration of recruits and the negotiation of scrip for such ward. Such board shall be chosen by ballot, to be taken in a separate box from that in which the ballot upon the question of tax is taken. The names of the commissioners voted for by each elector, shall be inscribed on the ballot, and the three persons having the highest number of votes cast at such election, shall constitute such board, and in case

Board of inspectors.

Form of ballots.

Election of recruiting commissioners.

of a tie vote, the choice between the persons receiving an equal number of votes, shall be determined by a majority of the board of inspectors; and vacancies in such board of commissioners, occasioned by the absence or refusal of any person so chosen to act, or by any other cause, shall be filled by appointment by the aldermen of the ward in which they were chosen: *provided*, that such election, in all other respects, shall be held and conducted in the same manner and under the same penalties, and vacancies in the board of inspectors thereof filled, and the votes canvassed, as required by the laws of this state regarding elections; and a complete record of the proceedings of every such meeting shall be kept, in which shall be stated the amount of each tax voted thereat, and the purpose for which the same was voted, and the names of the persons chosen to superintend recruiting in such ward, and such proceedings shall be signed or attested by the officers and filed and recorded in the office of the clerk of said city; *and provided, further*, that the electors assembled at any such meeting, not less than twelve in number, may, before proceeding to vote on the question of raising any such tax, agree or determine upon a less sum to be voted for any such purpose than the amount named therefor in the petition aforesaid.

How election to be conducted.

Record of proceedings, &c.

Less bounty may be agreed upon.

Levy and collection of bounty tax.

SECTION 4. Whenever any such tax shall have been voted by any ward in said city, it shall be the duty of the common council of said city, when they levy the next annual tax upon said ward, to order said tax to be carried out upon the assessment roll of said ward by the clerk of said city, in a separate column, as a ward tax, and the same shall be collected in like manner as other taxes for war purposes, and the same, when collected, shall constitute a bounty fund for the ward in which the same was levied and collected, for the payment of bounties or the redemption of bounty scrip, as the case may require. And the common council of said city shall in all cases order a sufficient sum, aside from such tax so voted by and levied upon any ward of said city, to be levied upon the taxable property of such ward, to pay any interest that shall accrue upon any scrip or order issued for the benefit of such ward, pursuant to this act: *provided*, that no greater sum shall be levied upon any ward than shall have been expended by the same for the procuration of recruits, as herein-

Tax for interest on orders.

before provided, except for the purpose of paying interest, as aforesaid.

SECTION 5. Whenever any such tax shall have been voted by any ward in said city, it shall be the duty of the mayor of said city to issue orders for the payment thereof, in sums not exceeding two hundred dollars, and drawing not more than seven per cent. interest per annum, which orders shall be countersigned by the clerk of said city, directed to the treasurer thereof, and payable by the terms thereof to bearer, out of the bounty fund of the particular ward for which the same shall have been issued on the 25th day of December next and following the issue of the same. Said orders shall be delivered by the clerk of said city to the commissioners of the ward for which the same were issued, and by them negotiated at no less than their par value, and the proceeds thereof passed to the credit of the ward for which the same were issued, with the treasurer of said city, under the style of bounty fund as aforesaid: *provided*, that such orders shall be received in payment of war taxes in the several wards for which the same were issued; *and provided*, that no more orders shall be issued by such mayor, or negotiated, than shall be certified by the board of commissioners for the respective wards of said city to be necessary for the purpose of filling the quota of their several wards.

Orders may be issued.

Negotiation of orders.

Orders receivable for taxes.

Prohibition.

SECTION 6. The treasurer of said city shall pay to each person volunteering for and recruited to any ward of said city, and to such persons as shall procure substitutes for themselves before being drafted, or to his or their orders as the case may require, out of the bounty fund of such ward, the bounty which may be agreed to be paid such recruit or such persons as may furnish substitutes as aforesaid, by the board of commissioners for such ward at the time of the procuration of such volunteer: *provided*, that such payment shall only be made upon the production of the certificate of muster and credit of such volunteer or substitute to such ward, and the order of the board of commissioners for the amount of bounty agreed upon.

Payment of volunteers, &c.

Proviso.

SECTION 7. A board of commissioners provided for in this act, elected in any ward, shall have power to act in the premises until the ward shall vote a further tax and shall choose a new board in the manner provided in this act; and such commissioners shall receive such

Further powers of commissioners—their compensation.

compensation for their services, to be paid out of the funds of their respective wards, as the common council of said city may allow, not to exceed two dollars per day for time actually spent, and their actual expenses.

Penalties.

SECTION 8. Any person or persons intrusted with the same, who shall willfully misapply or misappropriate any tax or portion thereof, levied and collected under this act, or who shall willfully misapply or misappropriate any scrip issued for the payment of any such tax, or the proceeds of such scrip, shall be deemed guilty of embezzlement; and any officer of said city who shall willfully fail and neglect to perform any duty imposed upon him by the terms of this act, shall be deemed guilty of a misdemeanor, and liable to indictment and punishment therefor, as provided by law in cases of misdemeanor.

Legalized.

SECTION 9. In each and every case where the qualified electors of any ward meeting of said city, called or held with the intent to comply with the provisions of this act, shall hereafter vote a tax upon any such ward for the purpose of paying bounties to volunteers theretofore enlisted, or who shall thereafter enlist in the service of the United States, or paying such persons as shall furnish substitutes before the draft under a call of the president for volunteers, or for any of the purposes authorized by this act, the proceedings of such meeting and the tax or taxes so voted thereat shall be as valid and legal to all intents and for all purposes, as if the provisions of this law had been all literally and strictly complied with, notwithstanding there may have been errors, omissions or mistakes in giving the notice of such meeting or in the time and place of holding or in the manner of conducting the same: *provided*, that nothing herein contained shall be so construed as to legalize or validate any act or proceeding founded upon or growing out of actual fraud.

Proviso.

Future bounty taxes.

SECTION 10. No tax to pay bounties or persons furnishing substitutes as hereinbefore provided, shall be voted, levied or collected hereafter in the said city of Beloit, except in pursuance of this act; and the common council of said city may, in its discretion, require of the treasurer of said city additional bonds for the faithful performance of the duties imposed upon him by the terms of this act.

Additional bonds

SECTION 11. This act shall take effect and be in force from and after its passage and publication.

Approved April 6, 1865.

CHAPTER 323.

[*Published May* 22, 1865.]

AN ACT to establish a ferry across Lake St. Croix, at Hudson.

(*See supplement to local laws.*)

CHAPTER 324.

[*Published May* 22, 1865.]

AN ACT to appropriate certain islands (of unsurveyed swamp and overflowed lands) in Fox river, in Marquette county, for bridge purposes.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. That the islands (of unsurveyed swamp and overflowed lands) in the Fox river, situate, lying and being in the county of Marquette, be and the same are hereby appropriated to Samuel R. Rood, John Townley and Charles S. Kelsey, as commissioners in trust for the towns of Moundville, Packwaukee and Montello, in said county of Marquette: *provided*, that this act shall not divest or in any way affect whatever estate, right, title and interest, legal or equitable, (if any,) the Fox and Wisconsin improvement company, or the trustees of said company, (so called,) or their grantees, may have in and to the same; *and provided*, said commissioners shall, within one year from the passage of this act, cause the said islands to be measured and surveyed by the county surveyor of said county of Marquette, or by the county surveyor of some adjoining county, and also, within the same period

Grant of lands to commissioners in trust.

Not to affect rights of F. and W. imp. co.

Islands to be surveyed, and descriptions sent to sec'y of state.

of time, cause a certificate, signed by the surveyor, to be filed in the office of the secretary of state, describing such lands as parts of contiguous sections, showing the number of acres and parts of acres therein contained.

How sales and rents of lands to be applied.

SECTION 2. The said commissioners are hereby empowered to lease, rent, sell and convey said islands, for the purpose of aiding in the erection and construction or repairing of three several bridges in said Marquette county, located and described as follows, to wit: A bridge over Fox river, in the village of Montello, a bridge over Buffalo lake, in the village of Packwaukee, and a bridge over the creek south of Bonnell's island, on the state road between the towns of Packwaukee and Moundville, on the west shore of Buffalo lake; and to execute to the purchaser or purchasers of said lands appropriated as aforesaid, sufficient and ample deeds of conveyance, in fee simple, and to apply the proceeds of such sale or sales, or the rents and profits thereof, in the aid of the bridges aforesaid: *provided*, no part of said islands shall be sold for a less amount than one dollar and twenty-five cents per acre.

Governor to execute deeds to lands.

SECTION 3. Upon the presentation of the certificate of said commissioners, accompanied with the certificate of the said surveyor, that said islands have been duly and correctly surveyed as aforesaid, the governor of the state shall, in his official capacity, and in behalf of the state, and under the great seal thereof, execute and deliver to said commissioners a trust deed of the lands comprising the islands aforesaid, describing said islands in said deed, the same as shall be described in said certificate of survey; which said deed shall vest in said commissioners the right to sell, convey and dispose of the same, in the manner provided in this act: *provided*, that no deed shall be executed by the governor and delivered to said commissioners as aforesaid, until said commissioners shall severally give bonds to the state of Wisconsin, in an amount of not less than five hundred dollars each, with sureties to be approved by the governor, conditioned for the faithful performance of their duties, as said commissioners, and the faithful application and disposition of all moneys arising out of any sale by them of said islands, or any rents or profits of the same, which said bonds shall be filed in the office of the secretary of state.

Commissioners to give bonds.

SECTION 4. When a vacancy shall occur by the death, resignation or removal of either of said commissioners, the two remaining commissioners shall have power to fill said vacancy by appointment. Vacancies.

SECTION 5. The proceeds and all moneys arising from the sales of the said islands, or any part or parcel thereof, or from the rents and profits of the same, shall be apportioned, divided and appropriated to the said bridges mentioned and described in section two (2) of this act, as follows, to wit: One-fourth part of said moneys to the bridge at Montello, one-fourth part of said money to the bridges over the creek south of Bonnel's island, on the said state road, and one-half of said moneys to the bridge over Buffalo lake, at Packwaukee, as aforesaid. Apportionment of proceeds of sales.

SECTION 6. Whenever said commissioners shall desire or think proper to sell the said islands, or any part or parcels thereof, they shall advertise the same in some newspaper published in said county of Marquette, at least four weeks prior to the time fixed for the sale as aforesaid, and at the time and place fixed in said notice, shall proceed to sell the same to the highest bidder complying with the terms required by said commissioners. Notice of sales of lands.

SECTION 7. The commisioners named in this act shall not be entitled to receive from this state any compensation for sevices performed under this act, nor shall the state be liable for any expenses incurred in carying out the provisions of this act. Compensation of commissioners.

SECTION 8. This act shall take effect and be in force from and after its passage and publication.

Approved April 6, 1865.

CHAPTER 325.

[*Published May* 20, 1865.]

AN ACT to authorize Cornelia Burns, a minor, to transact business.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

May convey real estate, &c.

SECTION 1. Cornelia Burns, of the city of La Crosse, in this state, is hereby authorized and empowered to grant, bargain, sell and convey real and personal estate and property, transact business, and bind herself by her contract, devise and bequeath real and personal property, sue and be sued, in all the courts of this state, the same and in the same manner, in all respects, as if she were of the full age of twenty-one years.

SECTION 2. This act shall take effect and be in full force from and after its passage.

Approved April 6, 1865.

CHAPTER 326.

[*Published April* 28, 1865.]

AN ACT to incorporate the village of Darlington.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Village of Darlington—boundaries.

SECTION 1. All that district of country embraced within the recorded plat of the village of Darlington, together with all the outlots numbered from one to forty-seven, inclusive, and also all that is embraced in all the several recorded plats of the additions to said village, in the county of La Fayette, in this state, shall hereafter be known and designated by the name of the "village of Darlington," and the inhabitants residing or who may hereafter reside within the limits of said village, are hereby constituted a body corporate, by the name of "the president and trustees of the village of Darlington," and by that name they and their successors forever hereafter shall and may have

Corporate powers.

perpetual succession, shall be persons in law capable of suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended, in all courts and places, in all suits, actions and legal proceedings whatsoever, with power of purchasing, receiving, holding, occupying and conveying real and personal estate, and shall have a common seal, and may change the same at pleasure, and shall have and exercise all the rights, powers and privileges, and be subject to all the duties and obligations pertaining to a municipal corporation.

Government—how vested.

SECTION 2. The government of said corporation, the exercise of its corporate powers, the management of its fiscal, prudential and municipal concerns, shall be vested in a president, who shall be *ex officio* a trustee, and four trustees, and such other officers as are hereinafter provided for.

Officers.

SECTION 3. The officers of the said corporation shall be one president and four trustees, one clerk, one assessor, one treasurer, one constable, who shall be *ex officio* marshal of said corporation, one street commissioner, one surveyor, and such other officers as the trustees shall ordain. The president and trustees shall be by elected by the qualified voters of the said corporation on the first Monday of March, in each year, and shall hold their respective offices for one year, and until their successors are elected and qualified. The clerk shall give at least ten days' notice of the time and place of holding any election, and the president and trustees, or any three of them, shall preside at every such election; and any vacancy in the office of president shall be filled by a special election, and vacancies in the office of trustees shall be filled by the president and trustees. All other officers shall be appointed by the president and trustees, and shall hold their offices during the term for which the trustees are elected, and until their successors are appointed and qualified, and shall be subject to removal by the president and trustees. All persons qualified to vote in said village for members of the state assembly, and who are *bona fide* residents of said village at the time such vote is offered, shall be legal voters for corporation officers. No person shall be eligible to the office of president, trustee, treasurer, assessor or street commissioner, unless he is a freeholder and voter therein. The voters

Annual election.

Appointed officers.

present at any election may appoint three voters to act as judges of election, in case there shall not be a quorum of trustees present to conduct the election.

How elections conducted.

SECTION 4. At all elections held under this act, the polls shall be opened at one o'clock in the afternoon, and shall continue open until five of the clock in the afternoon of the same day, and the election shall be by ballot, conducted in the same manner, as far as may be, as elections for members of assembly, and a plurality of votes shall in all cases decide the election.

Special elections.

SECTION 5. In case such officers, or any of them, shall not be elected as herein provided, the corporation shall not thereby be dissolved, but special elections for the election of president and trustees may be held as herein provided for annual elections, and in case there shall be no officer to give notice thereof, then such notice may be given by any ten freehold voters of said village, as herein provided for annual elections.

Oath.

SECTION 6. Every officer elected or appointed under this act, before he enters upon the duties of his office, and within ten days after his appointment or election, shall take an oath, and file the same with the clerk, faithfully to discharge the duties of his office, and to support the constitution of the United States and of this state, and the laws thereof.

Treasurer and constable to give bonds.

SECTION 7. The treasurer and constable, before they enter upon the duties of their offices, shall severally give bonds to the trustees in such sum, with such conditions and with such sureties, as said trustees or a majority of them shall direct.

"President and police justice"—duties, jurisdiction, fees, &c.

SECTION 8. The president shall preside at all meetings of the trustees, sign all commissions, licenses and permits which may be granted by the trustees. He shall maintain peace and good order, and see that the ordinances of the village are observed and executed. A municipal court is hereby created in the said village, to be styled "the police court," and the person elected as president of said village, shall be elected on the same ballot as "president and police justice," who shall hold the said police court, and he shall have power to administer oaths and affirmations, and to take and certify acknowledgments and proofs of the execution of deeds and other instruments of writing relating to real estate, or other matters required by law to be acknowledged or recorded, or both. As a judicial officer and court,

the said police court and justice shall have and possess all the authority, jurisdiction, powers and rights of justices of the peace and justices' courts, in civil and criminal proceedings, and shall have concurrent jurisdiction with justices of the peace and justices' courts of this state, residing in the said village, of all civil and criminal actions and cases for the violation of any provisions of this act, or of any ordinance, by-law, rule, regulation or resolution of the said village. The president, when presiding at any meeting of the trustees, shall have a casting vote when the votes of the members are equal, and as police justice he shall receive the same fees as a justice of the peace receives for his services; but the village shall not be liable for his fees, except such as shall accrue in prosecutions or actions brought in the name of the corporation for the violation of the provisions of this act, or for the violation of the ordinances of the said village. Appeals may be taken from the judgment of the police justice, in the same manner and with the same effect as from justices of the peace.

Meetings, rules, &c.

SECTION 9. The president and trustees shall prescribe the time and fix the place of their meetings, which shall at all times be open to the public, and shall determine the rules of their proceedings, and keep a journal thereof, which shall be open for the inspection of every respectable citizen, at all reasonable times and hours, and shall have power to preserve order and propriety in their proceedings, and may adopt such by-laws, rules and regulations for their government as are not inconsistent with the provisions of this act, and shall have power to compel the attendance of its members.

Peace officers.

SECTION 10. The president, each and every trustee, marshal, each and every justice of the peace and constable of the county in which said village is situated, shall be officers of the peace, and may command the peace, and suppress in a summary manner all rioting and disorderly behavior in a manner consistent with law and the ordinances, by-laws, rules, regulations and resolutions of said village, within the limits thereof, and for such purpose may command the assistance of bystanders, and, if need be, all citizens; and if any person shall refuse to aid in maintaining the peace when so required, every such person shall forfeit and pay a fine of ten dollars.

Marshal—his duties, powers, fees, &c.

SECTION 11. The marshal shall possess all the power and enjoy all the rights of a constable of this state, and be subject to the same liabilities. It shall be his duty to execute all writs and process to him directed by the president or other judicial officer, and when necessary in criminal cases, or for the violation of any of the provisions of this act, or of any ordinance of said village, or by-law, rule, regulation or resolution thereof, he may serve the same in any part of the state of Wisconsin. It shall be his duty to suppress all riots, disturbances and breaches of the peace, and to apprehend all disorderly persons in said village, and pursue and arrest any person fleeing from justice in any part of the state of Wisconsin, to apprehend any person in the act of committing any offense against the provisions of this act or of the laws of this state, or the the ordinances, by-laws, rules, regulations or resolutions of the village, and forthwith to bring such person before competent authority for examination; and for such and other similar services, he shall receive like fees as are allowed to constables for like services. It shall be the duty of the marshal to see that all peddlers, hawkers and common showmen, and all other exhibitors, pay their licenses according to law and this act, and the ordinances of the village, and in default of payment, to prosecute for the same in the corporate name of the village, and pay over the same to the treasurer, when received by him.

Treasurer—his duties.

SECTION 12. The treasurer of the village shall perform such duties and exercise such powers as may be lawfully required of him by the ordinances, rules, regulations, resolutions or by-laws of said village, and by law. All money raised, received, recovered and collected by means of any tax, license, fine, forfeiture or otherwise, under the authority of this act, or which belongs to said village, shall be paid to and received by him, and shall not be drawn therefrom except by a written order, signed by the president and countersigned by the clerk, by order of the trustees. Such order shall specify the amount of money to be drawn, and its objects. He shall keep a just and accurate account of all moneys and other things coming into his hands as treasurer, in a book to be provided by the trustees for that purpose, which shall remain the property of the village, wherein he shall note the time when, the person from whom, the

amount of the several sums received, and the source from whence the said sums arose, which said book, at all reasonable times, shall be open to the inspection of the electors of the village. He shall, as often as the trustees require, render to said trustees a minute account of his receipts and payments, and at the expiration of his term of office, he shall pay over and deliver to his successor all moneys, books and vouchers in his possession belonging to said village.

Clerk—his duties and powers.

SECTION 13. It shall be the duty of the clerk to keep a record of the doings of the board of trustees, especially of the passing of by-laws, ordinances, rules, resolutions and regulations, and also a faithful record of all the doings and votes of the inhabitants of said village at their annual and other legal meetings, and to keep on file all papers which may be ordered by the trustees. The records kept by the clerk shall be evidence in all legal proceedings, and copies of all papers duly filed in his office, and transcripts from the record of proceedings of the board of trustees, certified by him under the corporate seal, shall be evidence in all courts of the contents of the same. He shall keep the corporate seal of the said village. He shall keep a full and accurate account of all orders drawn on the treasury, in a book provided for that purpose, and shall keep all accounts of the corporation with individuals, and shall also keep an accurate account with the treasurer and charge him with all taxes levied and sums of money paid into the treasury, and all receipts of the payment of money or property to the treasurer shall be countersigned by the clerk before they shall be a legal voucher against the village. The clerk shall have power to administer oaths.

Attorney.

SECTION 14. The attorney shall perform all professional services incident to the office, as prescribed by ordinances or by resolutions of the president and trustees, or as directed by the president, and when required shall furnish written opinions to them.

Other duties may be required of officers.

SECTION 15. The president and trustees shall have power, from time to time, to require other and further duties to be performed by any officer whose duties are herein prescribed, and to appoint such other officers as may be necessary to carry into effect the provisions of this act, and to prescribe their duties, and to fix the compensation of all officers elected or appointed by

them. Such compensation shall be fixed by resolution at the time the office is created, or at the commencement of the year, and shall not be increased or diminished during the term such officer shall remain in office.

Penalty.

SECTION 16. If any person having been an officer in said village, shall not within ten days after notification and request, deliver to his successor in office all property, moneys, books, papers and effects of every description in his possession, belonging to said village or pertaining to the office he may have held, he shall forfeit and pay to the use of the village one hundred dollars, besides all damages caused by his neglect or refusal so to deliver; and such successor may recover the possession of such books, papers and effects in the manner prescribed by the laws of this state.

Surveyor.

SECTION 17. The surveyor shall be a practical surveyor and engineer, and his duties shall be prescribed and directed by the president and trustees, and his fees and compensation shall be fixed by them for any service performed by him. All surveys, profiles, plans, plats or estimates made by him for the village, shall be the property of the village, and shall be filed and carefully preserved in the office of the clerk or other officer, as may be directed by them, and shall be open to the inspection of all persons interested.

Style of ordinances—quorum.

SECTION 18. The style of all ordinances passed by the president and trustees shall be, "the president and trustees of the village of Darlington, do ordain as follows." The president and three trustees, or four trustees, shall constitute a quorum for the transaction of any business, and in the absence of the president, the trustees present shall appoint one of their number president *pro tem.*, who shall possess all the powers of the president, except as a police justice.

Licenses.

SECTION 19. The president and trustees shall have the exclusive authority within the corporate limits of the said village, to grant or refuse, according to law or ordinance, or both, licenses for selling wine, beer or cider, or spirituous, intoxicating, alcoholic, vinous, fermented, malt or mixed liquors, liquids or drinks; regulate and license groceries, taverns, hotels, victualling houses and saloons, and all persons vending or dealing in any such liquors, drinks or liquids, and to revoke the same; and no person shall sell, vend, deal in, or for the purpose of evading the provisions of law or of this

act, or the ordinances of said village, give away any such wine, beer, cider or intoxicating, spirituous, alcoholic, vinous, fermented, mixed or malt liquors, liquids or drinks, within such corporate limits, without having first obtained license therefor, as provided by this act, the laws of this state and the ordinances of the said village; and any person who shall in any manner violate any of the provisions of this section, or the ordinances of [or] the laws herein referred to, shall on conviction thereof be punished as provided by the laws of this state and the ordinances of said village on this subject, and all such offenses shall be prosecuted as provided by such laws and ordinances. All money received for such licenses shall be paid to the treasurer of said village for its use: *provided*, that the sum to be paid for any such license shall not be less than the amount fixed and provided by the laws of this state or the ordinances of the said village, and that no license shall be granted for a less time than one year; *and provided, further*, that no person thus licensed, or without being so licensed, shall sell or give away any such wine, beer, cider, or spirituous, intoxicating, alcoholic, vinous, fermented, mixed or malt liquors, liquids or drinks, on election day or on Sunday. In all prosecutions for any violation of this section, or of the laws or ordinances herein referred to, it shall be sufficient to allege in general terms, the selling, vending, dealing in or giving away without such license, of such inhibited liquors, liquids or drinks, and the proof on the trial of such selling, vending, dealing in or giving away to any person of any one of such inhibited liquors, liquids or drinks, shall be sufficient to warrant and sustain a conviction; or proof that the person charged kept a bar, sideboard or other thing or fixture, with bar furniture usually used by persons vending or dealing in such inhibited liquors, liquids or drinks, shall be *prima facie* evidence sufficient to warrant and sustain a conviction; or proof that he delivered any such inhibited liquors, liquids or drinks to any person, shall also be *prima facie* evidence sufficient to warrant and sustain a conviction for any such violation.

Liquor not to be sold on election days nor Sundays

Penalty for violation of license laws.

SECTION 20. No person shall slaughter or kill, within the corporate limits of the said village, any cattle, sheep or swine without the consent of the president or of the trustees. Any person who shall violate this section

Slaughtering cattle, &c.

shall, on conviction thereof, forfeit and pay for each offense the sum of twenty-five dollars, with costs of prosecution, to the said village for its use, to be recovered before any justice of the peace of said county.

Slaughter houses

SECTION 21. No person shall keep a slaughter-house, yard or pen, or occupy any open ground for slaughtering purposes within the corporate limits of the said village, or keep any such place for depositing the offal of slaughtered animals within such limits, without the consent of the said president and trustees, entered of record; and any person who shall violate this section shall, on conviction thereof, forfeit and pay for each day he shall keep or occupy any such place for such purpose, the sum of fifty dollars, with costs of prosecution, and shall also, in addition thereto, be guilty of a misdemeanor, and on conviction thereof, shall be punished by fine and imprisonment. All such places are hereby declared to be common nuisances, and shall be abated as provided by law and the ordinances of said village.

Penalty.

Powers and duties of president and trustees.

SECTION 22. The president and trustees shall have the control and management of the finances and of all the property of the village, and shall likewise, in addition to the powers herein vested in them, have full power to make, enact, ordain, establish, publish, enforce, alter, modify, amend and repeal all such ordinances, rules, regulations, resolutions and by-laws for the government and good order of the village, for the suppression of vice and immorality, for the prevention of crime, and for the benefit of trade, commerce and health, as they shall deem expedient, declaring and imposing penalties, and to enforce the same against any person or persons who may violate any of the provisions of such ordinances, rules, regulations, resolutions or by-laws; and such ordinances, rules, regulations, resolutions and by-laws are hereby declared to be and have the power and force of laws: *provided*, that they be not repugnant to the constitution and the laws of the United States or of this state; and for these purposes shall have authority, by ordinances, resolutions, by-laws, regulations or rules:

Shows.

1st. To license and regulate the exhibition of common showmen, or shows of any kind, or the exhibition of caravans, circuses or theatrical performances, and to provide for the abatement and removal of all nui-

sances under the ordinances or at common law; to restrain, prohibit or license billiard tables, ten pin or other ball alleys, or the setting up or playing on the same in said village.

2d. To restrain and prohibit all descriptions of gaming and fraudulent devices and practices, and all playing of cards, dice or other games of chance, for the purpose of gaming in said village; and to restrain any person from vending, giving or dealing in spirituous, intoxicating, alcoholic, malt, mixed, fermented or vinous liquors, unless duly licensed by them. Gaming.

3d. To prevent any riots, noises, disturbances or disorderly assemblages, suppress and restrain disorderly houses or groceries, and houses of ill-fame, and to authorize the destruction of all instruments used for the purpose of gaming. Riots, &c.

4th. To compel the owner or occupant of any grocery, cellar, tallow-chandler shop, soap factory, tannery, stable, barn, privy, sewer, or other unwholesome, nauseous house or place, to cleanse, remove or abate the same from time to time, as often as it may be deemed necessary for the health, comfort and convenience of the inhabitants of said village. Cleansing unwholesome places.

5th. To direct the location and management of slaughter-houses and markets, and to prevent the erection, use and occupation of the same, and to establish rates for and license venders of gunpowder, and regulate the storage, keeping and conveying of the same, or other combustible materials. Slaughter houses and markets.

6th. To prevent the encumbering of the streets, sidewalks, lanes and alleys with carriages, sleighs, boxes, lumber, firewood, or other materials or substances whatever, and to prevent the digging or sinking of mineral or other shafts or holes in the streets, alleys or other public grounds of said village. Encumbering streets, &c.

7th. To prevent the public exhibition of stallions, horse-racing, immoderate riding or driving in the streets or over the bridges, and to regulate the places of bathing in the water within the limits of said village. Horse racing and bathing.

8th. To restrain the running at large of horses, cattle, mules, asses, swine, sheep, poultry and geese, and to authorize the distraining, impounding and sale of the same. Restraining cattle, &c.

9th. To prevent the running at large of dogs, and Dogs.

to authorize the destruction of the same in a summary manner, when at large contrary to the ordinances.

Putrid carcasses, &c.

10th. To prevent any person from bringing, depositing or having within said village any putrid carcass or other unwholsome substance, and to require the removal of the same by any person who shall have upon his premises any such substance, putrid or unwholsome or unsound beef, pork, fish, hides or skins of any kind, and on default of such person, to authorize the removal thereof by some competent officer, at the expense of such person or persons.

Pounds, &c.

11th. To make and establish pounds, and appoint pound-masters and fence-viewers, and prescribe their powers and duties; also, to protect shade or ornamental trees on the public squares or in the streets of the corporation; also, to fence the public squares and grounds of said corporation, and to protect the same, and monuments in said village.

Board of health, &c.

12th. To establish and regulate boards of health, provide hospitals for those infected with small pox or other contagious diseases, and order and regulate the removal of such persons from the village, when its health and safety so require, [and] to provide grounds for the burial of the dead.

Meetings—compensation of officers.

13th. To call regular and special meetings of the voters of the said village, and to prescribe the compensation of all officers of the corporation, except their own, and shall examine, audit and adjust the accounts of all persons and of all officers of the corporation.

Fire companies, storage of gunpowder, &c.

14th. To organize fire companies, hook and ladder companies; to regulate their government and the time and manner of their exercise; to provide all necessary apparatus for the extinguishment of fires; to require the owners of buildings to provide and keep suitable ladders and fire-buckets, which are hereby declared to be appurtenances to the real estate, and exempt from seizure, distress or sale in any manner; and if the owner shall neglect or refuse to procure suitable ladders or fire-buckets, after reasonable notice, the trustees may procure and deliver the same to him, and in default of payment therefor, may recover of such owner the value of such ladder or fire-buckets, or both, with costs of suit; to regulate the storage of gunpowder and other dangerous materials; to direct the safe con-

struction of places for the deposit of ashes; to appoint one or more fire-wardens to enter into, at reasonable times, and examine all dwelling houses, lots, yards, inclosures and buildings of every description, in order to discover whether any of them are in a dangerous condition, and to cause such as may be dangerous to be put in a safe condition; to regulate the manner of putting up stoves and stove-pipes; to prevent fires and the use of fireworks and firearms within the limits of said village, or such part thereof as they may think proper; to compel the inhabitants of said village to aid in the extinguishment of fires, and to pull, break down and raze such buildings in the vicinity of the fire as shall be directed by the trustees, or any four of them who may be at the fire, for the purpose of preventing its communication with other buildings, and any buildings so destroyed shall be paid for by the corporation; to construct and preserve reservoirs, pumps, wells and other waterworks, and to regulate the use thereof, and, generally, to establish other measures of prudence for the prevention or extinguishment of fires, as they may deem proper.

Protection of walks.

15th. To prevent all persons riding or driving any horse, ox, mule, cattle or other animal on the sidewalks, or in any way doing any damage to such sidewalks.

Drunkenness and obscenity.

16th. To restrain drunkards, immoderate drinking or obscenity in the streets or other places in the said village, and to provide for the arresting, removing and punishing any person or persons who may be guilty of the same.

Firearms and fireworks.

17th. To prevent the shooting of firearms or the exhibition of any fireworks in any place which they may consider dangerous to the village or any property therein, or annoying to any person thereof.

Hay and fuel.

18th. To regulate the police of the village, to regulate the place and manner of selling and weighing hay, and measuring and selling of fuel, either wood or coal, and to appoint suitable persons to superintend and conduct the same.

Markets.

19th. To establish public markets, and make rules and regulations for the government of the same; to appoint suitable officers for overseeing and regulating such markets, and to punish or restrain for interrupting or interfering with the due observance of such rules and

regulations; to license and regulate butchers' stalls, shops and stands for the sale of game, poultry, meats, fish and other provisions.

Peddlers. 20th. To regulate, suppress or license hawkers and peddlers, who travel from place to place to sell goods, wares and merchandise within said village, and to license transient dealers and traders to sell the same.

Rubbish, &c. 21st. To compel the owners of buildings or grounds, or the occupants, when the same are occupied, to remove snow, dirt or rubbish from sidewalks, streets or alleys opposite thereto, and to compel such owner or occupant to remove from the lot owned or occupied by him, all such substances as the board of health shall direct, and in default, to authorize the removal or destruction of the objectionable substance by some officer of the village, at the expense of such owner or occupant.

Auctions. 22d. To regulate the time, place and manner of holding public auctions and vendues.

Watchmen. 23d. To appoint watchmen, and prescribe their duties.

Weights, &c. 24th. To provide by ordinance for a standard of weights and measures, and for the punishment of false weights and measures.

Trees. 25th. They shall have power to require the owner of any lots or grounds in the village to set out ornamental trees in the street or streets fronting the same, and in default thereof, to cause the same to be done, and to lay a special tax upon such lots or grounds to pay the expense of the same.

Streets, &c. 26th. To make, open, keep in repair, grade, improve, lay out, alter, widen, vacate or discontinue streets, avenues, lanes, alleys, sewers, bridges and sidewalks, to keep them free from encumbrances, and to protect them from injury in said village.

Poll tax. 27th. To tax every male resident of said village above the age of twenty-one years and under the age of fifty years, one day's labor, or in lieu thereof, one dollar, to be appropriated to improving the roads and streets of said village, under the direction of such person as they may appoint.

Sidewalks, &c. 28th. Upon the application of the owners of two-thirds of the lots on any street, or part of a street, or on one side of any block, to levy and collect a special tax on the owners of the lots on such street or part of

street, according to their respective parts, for the purpose of making a sidewalk along the same, or grading, paving and improving the street along the same.

Chief engineer, fire wardens, sextons, &c.

SECTION 23. The trustees shall have power to appoint, and at their pleasure to remove, the following officers, to wit: One chief engineer of the fire department, two fire-wardens, and as many assistant wardens as they shall from time to time deem necessary, one attorney, one sealer of weights and measures, sexton and keeper of burial grounds, and a street commmissioner, and prescribe their duties and fix their compensation, under the provisions of this act; and to impose and enforce in law such penalties as to the said trustees may seem proper for any malfeasance or improper conduct of any of said officers, and to require bonds for the faithful performance of the duties of any or such of them as may be deemed expedient and necessary by the trustees.

Grade of streets.

SECTION 24. The president and trustees shall, at such time as they may deem proper, establish the grade of all streets, alleys and sidewalks in said village, and shall cause accurate profiles thereof to be made, which shall be filed with the clerk.

Tax for street improvements.

SECTION 25. Whenever the trustees shall levy any tax for the purpose of grading, paving or otherwise improving any street, or for the building or repairing any sidewalk, or for any other special purpose, they shall make out and deliver to the street commissioner such tax to be collected and expended, a list of persons and a description of the property taxed; and thereupon the street commissioner shall notify the persons named in such tax list, by publishing a notice in three or more of the most conspicuous places in said village, or in some public newspaper printed therein, and shall specify in such notice a time not less than twenty days nor more than thirty days from the date thereof, when the persons charged with taxes in such lists may pay their taxes in labor, materials or money; and the persons charged with such tax may within such time and at such place as may be required of such street commissioner, pay their taxes in labor or materials: *provided*, the labor and materials offered in payment for such taxes are suitable, and such as may be required by said street commissioner.

Collection of taxes.

SECTION 26. At the expiration of thirty days from

the time the said street commissioner shall have received such tax list, he shall return the same to the trustees, accompanied by a statement verified by his affidavit subscribed thereto, showing the amount of tax collected in labor and materials, and the amount collected in money, and the manner in which such money was expended, and the items of expenditure; also, the taxes which remain unpaid, and the persons and descriptions of real estate and lots to which such unpaid taxes stand charged; and the clerk of said village shall make out a certified copy thereof, and deliver the same to the town clerk of the town in which said village is situated, who shall, in making out the duplicate tax and assessment of such town next thereafter, enter such unpaid special taxes therein in a separate column, with ten per cent. added thereto, opposite to the names of the persons and descriptions of property against which the taxes so remain charged and unpaid; and such taxes shall be collected in the same manner as the general taxes of said village and town are collected, and when so collected, shall be paid over on the order of the trustees, and when not previously applied, shall be expended under their direction on the street or sidewalk, or for the purpose for which they were originally assessed.

Penalty for violation of ordinances, &c.

SECTION 27. In all cases in relation to which, by the provisions of this act, the president and trustees have power to enact or pass ordinances, rules, regulations, resolutions or by-laws in relation to any subject, they may prescribe any penalty for the violation of such ordinances, rules, regulations, resolutions or by-laws, not exceeding one hundred dollars for any one offense in violation or non-observance thereof; and may also provide that in default of payment of any judgment rendered for such violation or non-observance, the offender may be imprisoned for such term as they may, by such ordinance, by-law, rule, regulation or resolution direct, not exceeding sixty days, for which purpose the said village shall have the use of the jail of the county in which said village is situated, for the imprisonment of any person liable to be imprisoned; and all such persons committed to said jail by the marshal or any other officer, shall be under the charge of the sheriff of said county, and kept by him the same as other prisoners.

How actions to recover penalties to be brought.

SECTION 28. All actions brought to recover any

penalty or sum of money or forfeiture under this act, or the ordinances, by-laws, or rules, regulations, resolutions, or police or health regulations made in pursuance thereof, shall be brought in the corporate name of the village, without being required to give security for costs in any such action, and the process may be either by summons or warrant; and it shall be sufficient, without setting forth the special matter, to declare generally, stating the clause of this act or by-law, ordinance, resolution, rules or regulation under which the act [action] is brought. The defendant may plead the general issue, and give the special matter in evidence, and a printed copy of an ordinance, by-law, rule, regulation or resolution published in a newspaper or pamphlet, by authority of the trustees, shall be *prima facie* evidence of the passage and publication of such ordinance, by-law, rule, regulation and resolution.

Executions upon judgments.

SECTION 29. Every execution issued upon judgments for any violation of the provisions of this act, or for the violation or non-observance of any ordinance or by-law, rule, regulation or resolution of said village, shall contain a clause directing, in the event of non-payment of the judgment, the imprisonment of the defendant in the said county jail, or the jail provided by said village, for such term as shall have been provided for by this act, or the ordinance, rule, regulation, resolution or by-law under which the judgment shall have been rendered, or in the discretion of the court, in the absence of such provision by this act, or by rule, regulation, resolution, by-law or ordinance. All fines, penalties and forfeitures, when collected, shall be paid into the treasury of said village for its use.

Publication of ordinances &c.

SECTION 30. Any ordinance, regulation, resolution, rule or by-law, imposing any penalty or forfeiture for the violation of its provisions, shall be published one week in some newspaper in the village, before the same shall be in force, except as hereinafter provided; and proof of such publication, by affidavit of the printer or foreman in the office of such newspaper, or by producing such newspaper containing such publication, shall be conclusive evidence of the publication and promulgation of such ordinance, regulation, resolution, rule or by-law, in all courts and places; and within ten days after such publication, they, with said affidavit, shall be recorded by the clerk of the village in books to

be provided for that purpose, which record shall also be conclusive evidence of such publication and passage of such ordinance, rule, regulation, resolution or by-law, in all courts and places. No ordinance, rule, regulation, by-law or appropriation shall be passed, made, altered, amended or repealed, without an affirmative vote of a majority of the president and trustees in its favor, which vote shall be taken by ayes and noes, and entered of record.

Ibid.

SECTION 31. All notices, ordinances, by-laws, rules, regulations, resolutions or other matter required by or under this act to be published in a newspaper, shall be published in a weekly newspaper published in said village, if there be one, and if no such paper shall be published in said village, then the same shall be published by posting up the same, either in writing or print, in three or more of the most public places in said village. In all actions brought by or in the name of the said village, or against it, the said village shall have the same right of appeal, or to a writ of error, as individuals have, and in no case shall any judgment be rendered against said village for costs, but it shall be liable for costs to the same extent that the state is liable for costs in criminal cases, and no more.

Appeal.

Competency of judge, &c.

SECTION 32. No person shall be an incompetent judge, justice, witness or juror, by reason of his being an inhabitant of said village, in any action or proceeding in which said village is a party, or interested.

Suits to abate nuisances.

SECTION 33. The powers conferred upon the said president and trustees, to provide for the abatement or removal of nuisances, shall not bar or hinder suits, prosecutions or proceedings in the courts according to law. Gambling houses, houses of ill-fame, disorderly taverns, and houses or places where intoxicating, alcoholic, malt, mixed, spirituous, vinous or fermented liquors are sold without the license required therefor, houses or buildings of any kind wherein more than ten pounds of gunpowder are deposited, stored or kept at any one time, are hereby declared and shall be deemed public or common nuisances, and shall be abated as herein provided, and according to the laws of this state for abating nuisances.

Exclusive jurisdiction.

SECTION 34. The police justice and justice of the peace residing within the corporate limits of the said

village, shall have exclusive jurisdiction of all actions arising under this act, or the ordinances, by-laws, rules, resolutions or regulations passed in pursuance of this act, unless otherwise specially provided.

Survey of streets.

SECTION 35. The president and trustees are hereby invested with full power and authority to survey, establish and determine the lines, boundaries, width and dimensions of all streets, highways, alleys, lanes and public grounds in the said village, which determination, when recorded, shall be conclusive upon all persons and parties; and whenever and wherever the same are now or shall be hereafter encroached upon or obstructed by any person or in any manner, they shall have power to cause the same to be removed in a summary manner, by giving notice to the person suffering or causing such encroachment or obstruction to remove the same within not less than ten days after service of such notice; and in case of neglect, default or refusal of such person to remove the same within the time specified in such notice, they shall order and direct the marshal or street commissioner to remove the same forthwith, at the expense and cost of such person, to be recovered the same as fines and penalties are recovered, as provided by this act; and for the purpose of such removal, the marshal or street commissioner is hereby authorized to call to his assistance all officers and persons, and every officer or person refusing to render such assistance, shall forfeit and pay a fine of ten dollars.

Commissioners—establishment of land marks, &c.

SECTION 36. The president and trustees of said village may, at any time, appoint three commissioners, resident freeholders of said village, who, with the assistance of the surveyor, or such other assistant surveyor as the said president and trustees may appoint, shall cause a new and accurate survey to be made of the lines and boundaries of all the streets, alleys, sidewalks, public grounds, lots, blocks and tracts of land, and shall cause to be established such permanent landmarks as they may deem necessary, and to cause an accurate plat or plats thereof to be made and certified to by the said surveyor and commissioners, which, when approved by the said president and trustees, shall be filed in the office of the clerk, and a copy thereof shall be recorded in the office of the register of deeds of the proper county.

Prima facie evidence of lines.

SECTION 37. The survey, landmarks and plats so made and established and recorded, shall be conclusive evidence of the lines and boundaries of all streets, alleys, sidewalks, public grounds and blocks in all cases in which they shall be drawn into controversy in all courts of this state, and shall be *prima facie* evidence of the lines and boundaries of all lots and tracts of land owned by individuals.

Service of process against village.

SECTION 38. When any suit or action shall be commenced against the said village, the service in such case may be made by leaving a copy of the process, duly certified to by the proper officer, with the president, and it shall be the duty of the president forthwith to inform the trustees thereof, or to take such other proceedings as by the ordinances or resolutions of said village may be in such case provided.

Property of individuals not liable for village debts.

SECTION 39. No real or personal property of the said village, or of any inhabitant of said village, or of any individual or corporation, shall be levied on and sold by virtue of any execution issued to satisfy or collect any debt, obligation or contract of said village.

Arrest without process.

SECTION 40. Any peace officer may, and it shall be the duty of the marshal, to arrest without process any person found in a state of intoxication, or guilty of immoderate drinking, improper reveling, obscenity, or noisy, boisterous or disorderly conduct, in the streets or public places, and take such person or persons forthwith before the police justice, or a justice of the peace in said village, or keep them until they become sober, in confinement, or until such time as said justice can reasonably hear and dispose of such offender.

Damages for widening streets.

SECTION 41. The president and trustees, in case of laying out or widening any street, alley or public walk, shall pay to the owner or owners of any land or lots through which any such street, alley or public walk so laid out or widened by them shall pass, adequate compensation for any damages which may be sustained in consequence.

How to be ascertained.

SECTION 42. Such damages shall be ascertained by six freehold electors of the said village, to be summoned by or under the direction of the president of said village for that purpose, as a jury, who shall determine the necessity thereof. They shall be selected by the said president and the party claiming damages, in the same manner as jurors before justices of the peace in

civil cases are selected, and after being selected and summoned as aforesaid, they shall be sworn by the said president truly to ascertain upon actual view, first, the necessity thereof, and then such damages. They shall take into consideration the benefit, if any, as well as the damage from the laying out or widening of such street, alley or public walk, to such party claiming damage; and the persons so selected, summoned and sworn, shall proceed to the discharge of their duty in the premises, and make report in writing over their several signatures, to said president, within twenty-four hours, which report shall be binding upon the corporation and the party claiming such damages.

Expenditure of highway taxes

SECTION 43. All highway taxes assessed or payable on property or persons resident or being within said village, shall be expended on any and all the highways, streets and bridges in said village, but not on any sidewalk, crossing or alley; and the overseers of highways in said village, and every overseer of highways of whose district any portion of said village shall form a part, shall apply and expend the highway taxes assessed and collected on property or persons resident or being within said village, under and according to the direction and control of the board of trustees of such village, or such person as they may appoint, any law to the contrary notwithstanding; and said board shall have power to appoint, during their pleasure, a street commissioner, as their agent to direct and control the expenditure of highway taxes in said village, and the building and repairing of bridges therein, whose compensation for services rendered by him in the discharge of his duties, shall be such as they may order or allow, not exceeding one dollar and fifty cents per day: *provided, however*, that the board of trustees of said village may, by special order previously made, allow such portion of the highway taxes assessed or collected as aforesaid in said village, not exceeding one-third part thereof, to be expended without the limits of said village on any public highway leading from said village.

Payment of outstanding debts.

SECTION 44. The president and trustees shall have power, and it is hereby made their duty, in each year, to levy and assess upon the taxable property in said village, such a sum of money as taxes as shall be sufficient to pay and discharge the outstanding debt of the

there said inhabitants shall elect by ballot the officers mentioned in section 3 of this act: *provided*, that in case the officers aforesaid shall not be elected on that day, they may be at any time thereafter, on a call signed by twelve electors of said village, and ten days' notice thereof being given by said electors, by posting up three notices of the time and place of said election, in said village; and the officers so elected at the first meeting, shall hold their respective offices until their successors shall be elected and qualified.

Construction. SECTION 51. This act shall be construed a public act, and shall be construed favorably in all courts and places, and shall take effect and be in force from and after its passage and publication; and it is hereby made the duty of the secretary of state to cause this act to be published in the official state paper immediately after its passage.

Approved April 7, 1865.

CHAPTER 327.

[*Published May* 23, 1865.]

AN ACT to incorporate the West Bend manufacturing company.

(*See supplement to local laws.*)

CHAPTER 328.

[*Published May* 20, 1865.]

AN ACT to incorporate the Mount Hope lead-mining and smelting company.

(*See supplement to local laws.*)

CHAPTER 329.

[*Published May* 24, 1865.]

AN ACT to authorize the several wards of the city of Racine to raise money by tax for the payment of bounties to volunteers for the military service of the United States, and to provide for the levy and collection of the same.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. The qualified electors of each ward of the city of Racine shall have power, at any special election, to vote to raise by tax such sum or sums of money as may be necessary to pay bounties to volunteers in the service of the United States, who may have enlisted or shall hereafter enlist and become credited to such ward upon its quota under any call of the president of the United States heretofore made or hereafter to be made for volunteers for the military service of the United States: *provided*, that such bounty shall in no case exceed two hundred dollars to any one volunteering.

Wards may vote bounties to volunteers.

Limit to bounties.

SECTION 2. Special elections shall be held in any ward of said city, for the purpose mentioned in section one of this act, upon the written petition to the clerk of said city, signed by ten or more qualified electors and freeholders of such ward, which petition shall set forth the purpose for which said special election is asked by the petitioners, together with the amount of money sought to be appropriated or raised by tax at such election for the purpose aforesaid. And it is hereby made the duty of such clerk, upon presentation to him of such petition, to call a special election of the qualified electors of such ward, by posting notices of the same in three or more public and conspicuous places in such ward, stating the time when and the place where such election will be held, and the object of the same, together with the amount of tax proposed to be voted thereat, which notice shall be so posted not less than five nor more than fifteen days previously to the time specified for holding such special election. Such election shall be held at the place of the last annual election in such ward, and shall be opened and conducted and the votes given thereat shall be canvassed and returned to the city clerk of said city, in the same

Petition for and notice of election.

Where election to be held and how conducted.

manner that general elections are conducted, and the votes canvassed and returned pursuant to chapter seven of the revised statutes, entitled "of general and special elections, of the manner of conducting the same, and of the canvass." Voting at such election shall be by ballot. Such ballot shall have written or printed thereon the words "for volunteer tax," or "against volunteer tax;" and no person shall be entitled to vote unless he is at the time a resident of the ward in which he offers his vote, and unless he has all the qualifications of a voter, required by said chapter seven of the revised statutes; and the penalties prescribed in said chapter for a violation of the provisions thereof, shall apply to all elections held pursuant to this act: *provided*, that the electors assembled at such election, not less than twelve in number, may, before proceeding to vote on the question of raising any such tax, agree and determine upon a less sum to be voted for any such purpose than the amount named therefor in the petition aforesaid; and a correct and complete record of the proceedings of every such election shall be kept, in which shall be stated the amount of such tax voted thereat, and such proceedings shall be signed or attested by the inspectors and clerks of such election, and deposited and filed in the office of the clerk of said city. The city council of said city, at any regular or special meeting thereof, shall, upon inspection of the return of said proceedings, declare by resolution the result of such election and the amount of any such tax voted thereat, and shall direct the mayor and city clerk of said city to issue orders upon the treasurer of said city for the payment of the whole or any part of such tax. Such order shall be receivable only in payment of any tax authorized by this act and voted for in such ward for the purpose aforesaid, and shall be payable by the city treasurer only from the moneys collected by him from said ward tax, under the provisions of this act; and the orders issued for the benefit of one ward, shall not be payable from moneys collected from the tax raised in any other ward.

Form of ballots, and qualification of electors.

Less sum may be agreed upon.

City orders may be issued.

Orders receivable for taxes.

Assessment of tax.

SECTION 3. Whenever the qualified electors of any ward in said city shall have voted a tax upon the taxable property of said ward, for the purpose of paying bounties to volunteers to fill the quota or quotas of such ward, it shall be the duty of the clerk of said city,

within fifteen days after the city council shall have declared the result of said election, as provided in section two of this act, to make a copy of the last assessment roll of the real and personal property of said ward; and upon the valuation of said property, to apportion and carry out in said roll, the said tax so voted in such ward, for the purpose aforesaid, and cause a warrant for the collection of said tax to be annexed thereto, which warrant shall be made by said clerk, and signed by him and the mayor of said city, and shall conform as near as practicable to the warrant prescribed by law for the collection of other taxes, commanding the treasurer of said city to collect said tax within thirty days from the date of said warrant. Said roll and warrant annexd thereto, shall forthwith be delivered to the treasurer of said city.

Notice of and collection of tax.

SECTION 4. Upon receipt of the assessment roll and warrant attached as aforesaid, it shall be the duty of the treasurer of said city, who shall be the collector for each of the wards, to give notice in a newspaper printed in said city, that such assessment roll for the tax aforesaid, has been committed to him for the purpose of collection; that he will receive payment of such tax at his office in said city, for thirty days then next ensuing, and said notice shall also state the time and place when and where he will sell all lots and lands in said roll contained, upon which the taxes remain unpaid at such time, or so much thereof as will pay and satisfy the taxes thereon, together with all costs and liabilities which shall accrue according to law by advertisement and sale, and such notice shall be published for three successive weeks in said newspaper.

Collection of delinquent taxes.

SECTION 5. In case the taxes on any real estate in said roll contained, shall remain unpaid after the expiration of thirty days next ensuing the date of said notice, the treasurer shall within fifteen days thereafter commence the sale of said real estate, and continue the same from day to day until so much thereof shall be sold as will pay the taxes, interest and charges due, assessed and charged thereon, in pursuance of this act; and in conducting said sale, in issuing to purchasers of any such real estate, certificates thereof, in executing deeds thereon, and in collecting the taxes assessed upon personal property, said treasurer shall have all the power and authority vested in him by virtue of sec-

tions forty-two, forty-three and forty-four of chapter ninety-eight of the local [general] laws of eighteen hundred and sixty-one, and said sections, together with section forty-five of said chapter, except so much of section forty-two as relates to the time of sale of real estate for unpaid taxes, shall apply to and govern the proceedings of said treasurer in the collection of taxes authorized by this act, and the sale and redemption of lands on account thereof; but before he shall distrain the property of any person, he shall give such person, or his agent or representative, if to be found in said city, at least three days' notice, by making demand of the taxes so as aforesaid imposed on such person, and said treasurer shall be entitled to receive and collect the same fees as for collecting other taxes.

Application of taxes.

SECTION 6. The taxes so collected by said treasurer shall be paid out by him in redemption of the orders issued in pursuance of section two of this act, and for no other purpose.

Penalties.

SECTION 7. In case the clerk of said city shall willfully refuse or neglect to perform the duty or service required of him in this act, for the purpose of preventing the holding of an election, the voting of a tax thereat, or the collection of any such tax when voted, or shall refuse to issue or sign any city order authorized to be issued by this act, he shall be guilty of a misdemeanor, and shall be liable to be indicted and punished therefor, as provided by law in cases of misdemeanor.

Repeal.

SECTION 8. All acts and parts of acts conflicting with the provisions of this act, are, for the purpose of this act only, hereby repealed, and this act shall take effect and be in force from and after its passage and publication.

Approved April 7, 1865.

CHAPTER 330.

[*Published May* 23, 1865.]

AN ACT to vacate a certain block in the village of Trempealeau, in the state of Wisconsin.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. All the public square lying south of block sixteen, in Noyes and Winkleman's addition to the village plat of the village of Trempealeau, in the county of Trempealeau, and all the alley between said public square and said block sixteen, are hereby vacated. Vacated.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved April 7, 1865.

CHAPTER 331.

[*Published May* 20, 1865.]

AN ACT to amend chapter 478 of the general laws of 1864, entitled "an act to accept the grant of lands made to the state of Wisconsin, by the United States, to aid in the construction of a military road from Fort Howard, Green Bay, to the Michigan state line," approved April 4th, 1864.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. Section three of chapter four hundred seventy-eight of the general laws of one thousand eight hundred sixty-four, is hereby amended, so as to read as follows: "The said commissioners shall cause the proposed line of said road to be surveyed, and proper grades therefor to be established, and plans and specifications for the necessary bridges, and for the contract for construction, to be made. The said road shall be constructed with sufficient drains and ditches, and not less than forty feet in width, with a grade not less than sixteen feet wide, with such gradation and Grade of road, plans for bridges, &c.

bridges as shall permit of its regular use as a wagon road, in all seasons of the year."

SECTION 2. This act shall take effect and be in force from and after its passage.

Approved April 7, 1865.

CHAPTER 332.

[*Published May* 23, 1865.]

AN ACT to vacate a part of the village plat of Mayville, in Dodge county.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Vacated.

SECTION 1. Lots five, six, seven and eight, in block No. 2, in Naber's addition to the village of Mayville, in the county of Dodge, and state of Wisconsin, as said lots are described in the recorded plat of said addition, are hereby vacated.

How lands to be appraised.

SECTION 2. The lands upon which said lots have been laid out, shall hereafter be appraised and assessed irrespective of subdivisions into lots: *provided*, that nothing contained in this act shall be so construed as to prevent the sale and conveyance for delinquent taxes, of any portion of said lands as platted, which taxes have been heretofore levied.

Taxes not affected.

SECTION 3. This act is hereby declared a public act, and shall take effect from and after its passage.

Approved April 7, 1865.

CHAPTER 333.

[*Published May* 23, 1865.]

AN ACT to incorporate the Broken-straw creek petroleum oil company.

(*See supplement to local laws.*)

CHAPTER 334.

[*Pulished May* 24, 1865.]

AN ACT to incorporate the West Bend academy.

(*See supplement to local laws.*)

CHAPTER 335.

[*Published May* 24, 1865.]

AN ACT to incorporate the Wisconsin state insurance company.

(*See supplement to local laws.*)

CHAPTER 336.

[*Published May* 23, 1865.]

AN ACT to incorporate the Kenosha oil-mining and manufacturing company.

(*See supplement to local laws.*)

CHAPTER 337.

[*Published May* 24, 1865.]

AN ACT to incorporate the Percival mining and smelting company.

(*See supplement to local laws.*)

CHAPTER 338.

[*Published May* 24, 1865.]

AN ACT to incorporate the Chippewa river rafting boom company.

(*See supplement to local laws.*)

CHAPTER 339.

[*Published May* 24, 1865.]

AN ACT to incorporate the Rock river petroleum company.

(*See supplement to local laws.*)

CHAPTER 340.

[*Published May* 24, 1865.]

AN ACT to incorporate the Peninsular petroleum company.

(*See supplement to local laws.*)

CHAPTER 341.

[*Published May* 24, 1865.]

AN ACT to incorporate the North Park mining company.

(*See supplement to local laws.*)

CHAPTER 342.

[*Published May* 25, 1865.]

AN ACT to incorporate the Manitowoc gas-light company.

(*See supplement to local laws.*)

CHAPTER 343.

[*Published May* 24, 1865.]

AN ACT relating to the appointment, qualifications and duties of an inspector of beef, pork, flour and fish, in the county of Manitowoc.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. The county board of supervisors of the county of Manitowoc, are hereby authorized to appoint one suitable person, resident of said county, inspector of beef, pork, flour and fish which may be brought for that purpose to any dock, pier, warehouse or store in said county. Board may appoint inspector.

SECTION 2. It shall be the duty of the said county board of supervisors to appoint such inspector, when in their opinion it may be thought necessary. Any such inspector, so appointed by virtue of this chapter, before he enters into the execution of his office, shall give bond with approved security, in the penal sum of Inspector to give bond.

five thousand dollars, payable to the clerk of the said county board of supervisors, conditioned for the true and faithful performance of his duty, according to the conditions of this chapter; which said sum shall be recovered by action of debt, before the circuit court of said county, for any willful or flagrant breach of duty, which bond shall be given to the said county board of supervisors, and to be approved by said board, and filed in the office of the clerk of said board.

Duties of inspector.

SECTION 3. The inspector to be appointed by virtue of this chapter, shall attend at the place appointed, on application of any person who wishes to have his beef, pork, flour or fish inspected, Sundays excepted; and such inspector neglecting to attend as aforesaid, shall forfeit and pay to the person or party aggrieved, five dollars, to be recovered before any justice of the peace in the said county; and any inspector so called upon, shall inspect every article that comes within the purview of this chapter, in such a manner that he may be fully satisfied that each article so inspected shall completely answer in quality to the mark or brand by him made, which shall be marked on the barrel or half barrel. If flour, the letters S.F. for superfine, and the letters F. for fine, with gross weight and net weight marked in figures on the head of said barrel; if beef or pork, the weight in gross and net marked on the head of the barrel; if fish, No. 1 or No. 2, marked on the head of the barrel or half barrel.

How inspected flour, beef, &c., to be marked.

Rates of inspection.

SECTION 4. The rate of inspection of the several articles so inspected, shall be fixed by the said county board of supervisors at their first or second meeting in each year: *provided*, that the said board may hold a meeting and make their first appointment under this chapter, at any time they or a majority of them shall deem proper.

Weights.

SECTION 5. Each barrel of flour shall weigh one hundred and ninety-six pounds, net weight; each barrel of beef and pork shall weigh not less than two hundred pounds, net weight.

Account of mark weights, &c.

SECTION 6. It shall be the duty of the inspector to enter in a book by him kept for that purpose, the mark, weight and number of the several barrels by him inspected, together with the name of the inspector, and warehouse, mill or store where each inspection was made or had.

SECTION 7. Each inspector appointed by virtue of this chapter, before entering on the duties of his respective office, shall be sworn before some person authorized to administer oaths, that he will faithfully discharge the duties of his office, without favor, partiality or affection, which oath shall be filed in the office of the clerk of said county board of supervisors. Oath of inspector.

SECTION 8. It shall be the duty of the inspector to furnish to the owner or agent of the owner of any of the above mentioned articles (*with*) a certificate of the mark and weight of the several articles by him inspected. Certificate of marks, &c.

SECTION 9. This act shall take effect from and after its passage.

Approved April 7, 1865.

CHAPTER 344.

[*Published May* 24, 1865.]

AN ACT to amend sections two (2) and four (4) of chapter two hundred and twenty-nine (229) of the private and local [general] laws of 1864, entitled "an act to incorporate the St. Croix and Mississippi steamboat and navigation company."

(*See supplement to local laws.*)

CHAPTER 345.

[*Published April* 11, 1865.]

AN ACT relating to the public schools of the city of Milwaukee.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. The board of school commissioners of the city of Milwaukee, shall annually elect by ballot a person of suitable learning, experience in the art of Election of superintendent of schools.

instruction, and practical familiarity with the most approved methods of organizing and conducting a system of public schools, for superintendent of schools, who shall hold his office for one year, unless sooner removed. He shall receive such salary as may be allowed by the board, not exceeding two thousand dollars per annum: *provided, however*, that no person shall be elegible to the office of superintendent of schools of said city, unless he has graduated at some college or normal school within the United States, and has furnished the board with his diploma of graduation at such college or normal school, or unless he shall have received from the state superintendent of public instuction a certificate of his qualification for the office of superintendent of schools, and shall have furnished the board with the same before the board proceeds to the election of said superintendent.

Salary.

Qualifications, and evidence of same.

Clerk for superintendent.

SECTION 2. For the purpose of enabling the superintendent of schools to devote his time more thorougly to the inspection and supervision of the schools under his charge, the careful examination and proper grading of the same, the said board may employ some suitable person to act as clerk for the superintendent of schools, at a salary not exceeding six hundred dollars per annum, whose duty it shall be to keep charge of the office of the superintendent of schools during the absence of the superintendent, and to perform such other duties connected with said office or with the management of said school board, as said school board or said superintendent of schools may require.

Salary.

Repeal.

SECTION 3. Section nine of chapter 190 of the private and local laws of 1859, entitled "an act to provide for the management of the public schools of the city of Milwaukee," approved March 17th, 1859, is hereby repealed.

SECTION 4. This act shall take effect and be in force from and after its passage.

Approved April 7, 1865.

CHAPTER 346.

[*Published May* 17, 1865.]

AN ACT to amend chapter 167 of the general laws of 1859, entitled "an act to amend chapter 18 of the revised statutes, entitled 'of the assessment and collection of taxes.'"

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. It shall be the duty of the assessors of each town or ward, when there are more than one assessor, to designate one of their number, and of the assessor of each town or ward, when there is but one assessor, to meet at the usual place of holding the annual meeting of the county board of supervisors in his county, on the last Monday of May, in each year, for the purpose of agreeing upon some uniform basis for valuing personal property in the several towns or wards of said county: *provided*, that when, by the provisions of any city charter, a different system of representation shall be authorized, the provisions of such charters shall remain unchanged. When so met, said assessors shall form a county board of assessors, and shall choose from their number a moderator and clerk. The said board so organized, shall then proceed in such manner as shall seem most practicable, to fix a uniform basis for valuing the personal property of said county; and when such uniform basis shall be agreed upon by a majority vote of the aforesaid board, it shall be the duty of the assessors of the several towns or wards of said county to proceed, at the time and in the manner prescribed by law, to assess the personal property of their respective towns or wards upon said uniform basis. Annual meeting of assessors—basis for valuing personal property.

SECTION 2. Such uniform basis when fixed, shall be as near the true value of the personal property to be assessed as it may be practicable to make it. To be true value.

SECTION 3. Before entering upon their duties, the several assessors of the aforesaid board shall take and subscribe an oath to faithfully discharge the duties required of them by the provisions of this act, according to the best of their abilities. Oath.

SECTION 4. Each member of said board of assessors shall be allowed and paid by the county, such compen- Compensation.

sation and mileage as is allowed to the county board of supervisors, but no such board shall be paid for more than three days' sitting in any one year.

Penalty. SECTION 5. If any assessor shall refuse or neglect to perform any of the duties which are required of him by the provisions of this act, without just cause therefor, he shall, for each offense, forfeit to the county a sum of not less than fifty dollars nor more than one hundred dollars, to be recovered before any court having jurisdiction thereof.

SECTION 6. This act shall take effect and be in force from and after its passage and publication.

Approved April 7, 1865.

CHAPTER 347.

[*Published May 24, 1865.*]

AN ACT to provide for the disposal and expenditure of the drainage fund income in the county of Monroe.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

When fund to be paid. SECTION 1. That portion of the interest of the drainage fund income which shall hereafter become due or now belongs to the counties of Monroe and Juneau, shall be paid over to the county treasurers of said counties at the same time with the money due to said counties, respectively, from the school fund income for each year.

Apportionment. SECTION 2. It shall be the duty of the county treasurers of said counties, immediately upon the receipt of the said drainage money, to apportion the same among the several towns of said counties, in proportion to the number of acres of swamp and overflowed lands in each of said towns; and they shall immediately give notice in writing to the town clerk of each town in said counties, of the amount apportioned to his town; and the town clerk of each such town shall thereupon file in his office such statement of the apportionment, and notify the town board of supervisors of his town that

Notice to treasurer, &c.

such apportionment has been made, and of the amount thereof.

How money to be used.

SECTION 3. That said money when apportioned as aforesaid, shall be under the control of the town board of supervisors of each such town, respectively, and shall be expended under their direction in the drainage and reclamation of the swamp and overflowed lands in their respective towns, and in building roads and bridges when they shall deem it necessary, over or through the same. The town board is hereby authorized to draw and issue orders on the county treasurer in the same manner and form in which they are authorized to draw and issue orders on the town treasurer, to the amount of the drainage fund in his hands: *provided*, that the said board shall issue orders only for the payment of labor actually done or material furnished for the purposes designated in this section.

Orders on county treasurer.

Reports of town boards.

SECTION 4. The town board of each town in said counties shall, on the second day of the annual session of the county boards of supervisors of said counties, make a full and complete report to the said county boards of the receipts and disbursements of the said drainage fund apportioned to their respective towns.

Repeal.

SECTION 5. All acts and parts of acts which contravene the provisions of this act, are hereby repealed.

SECTION 6. This act shall take effect and be in force from and after its passage.

Approved April 7, 1865.

CHAPTER 348.

[*Published May* 24, 1865.]

AN ACT to authorize Nicholas Bowman to keep and maintain a ferry across the Chippewa river, in this state.

(*See supplement to local laws.*)

CHAPTER 349.

[*Published May* 24, 1865.]

AN ACT to authorize Charles B. Coleman to construct and maintain booms in the Chippewa river, in the county of Chippewa.

(*See supplement to local laws.*)

CHAPTER 350.

[*Published May* 9, 1865.]

AN ACT to amend an act entitled "an act to amend and consolidate an act entitled 'an act to incorporate the city of Racine,' approved August 8th, 1848, and the several acts amendatory thereof," approved March 22d, 1861.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Annual tax of $1,000 for school purposes.

SECTION 1. In addition to the annual tax of nine thousand dollars, authorized by subdivision one of section thirty-six of the act of which this is amendatory, to be annually levied for school purposes by the city council of the city of Racine, said city council may annually levy a tax of one thousand dollars, to be expended in necessary repairs of school houses in said city, and of fixtures and heating apparatus belonging thereto.

Transfer of $3,000 to school fund.

SECTION 2. The city treasurer of said city of Racine is hereby authorized and empowered to transfer or cause to be transferred to the credit of the "school fund" of said city, for the school year ending July 3d, 1865, three thousand dollars of the moneys now in his hands, realized upon tax certificates issued upon sales of property for taxes in said city in the years 1856, 1857, 1858, 1859 and 1860; and said amount of said moneys shall upon such transfer belong to said "school fund," and shall be held by said city treasurer subject to the order of the president and clerk of the board of education of said city, and shall be disbursed and expended for school purposes in said city for said year ending July 3d, 1865, in addition to the amount au-

How to be held and disbursed.

thorized by the act of which this is amendatory, to be expended for such purposes in said year.

SECTION 3. The city treasurer of said city of Racine is hereby further authorized and empowered to transfer or cause to be transferred to the credit of the "poor fund" of said city, for the present fiscal year, one thousand dollars of the moneys now in his hands, realized upon the tax certificates mentioned in section two of this act; and said amount of said moneys shall upon such transfer, belong to said "poor fund," and shall be disbursed and expended for the support of the poor of said city for the present fiscal year, in addition to the amount authorized by the act of which this is amendatory, to be expended for such purposes in said year.

Transfer of $1,000 to poor fund.

How to be disbursed.

SECTION 4. The city treasurer of said city of Racine is hereby further authorized and empowered to cause to be transferred to the credit of the "contingent fund" of said city, for the present fiscal year, one thousand dollars of the moneys now in his hands, realized upon the tax certificates mentioned in section two of this act; and said amount of said moneys shall upon such transfer, belong to said "contingent fund," and shall be disbursed and expended as part of said fund during the present fiscal year, in addition to the amount authorized by the act of which this is amendatory, to be so expended in said year.

Transfer of $1,000 to contingent fund.

How to be disbursed.

SECTION 5. This act shall take effect and be in force from and after its passage and publication.

Approved April 7, 1865.

CHAPTER 351.

[*Published May* 24, 1865.]

AN ACT for the preservation of fish in and near Lake Koskonong, in Rock, Dane and Jefferson counties.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. No person or persons shall place, set, draw or use any seine, net, gill-net, or any other contrivance or device other than gun or spear, hook and line, in

Fishing with seine, net, &c., prohibited.

the waters of Koskonong lake, or in any of the streams running into or out of said lake, nearer than one mile of the said Koskonong lake, in the counties of Rock, Jefferson and Dane, Wisconsin, for the purpose of taking or catching fish therein; and any person or persons who shall violate any of the foregoing provisions of this section shall, on conviction thereof, be subject to a fine for each and every such offense, of twenty dollars, with costs of suit, one-half of said fine to be paid to the complaining witness, and the other half to the county treasurer of the county in which the offense is committed.

Penalty.

Application of statutes.

SECTION 2. All the provisions of sections twenty-one (21,) twenty-three (23) and twenty-four (24) of chapter one hundred and eighty-three (183) of the revised statutes of this state, shall apply to and be in full force and effect in the construction and enforcement of this act.

Not applicable to Indians.

SECTION 3. This act shall not be construed as applying to any Indians not civilized, who may reside within the limits of this state.

SECTION 4. This act shall take effect and be in force from and after its passage.

Approved April 7, 1865.

CHAPTER 352.

[*Published May* 24, 1865.]

AN ACT to legalize the proceedings of a town meeting of the town of Dallas, Dallas county, held February 11th, 1865.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Bounty tax proceedings legal.

SECTION 1. The proceedings of the special town meeting of the town of Dallas, Dallas county, Wisconsin, held on the 11th day of February, 1865, for the purpose of voting a tax to pay volunteers for said town under the call of the president, dated December 19th, 1864, are hereby declared legal, valid and binding in the law.

Town orders may be issued.

SECTION 2. The board of supervisors of said town of Dallas are hereby authorised to issue seven per cent.

interest-bearing orders to the amount of two hundred dollars, to each volunteer to fill the quota of said town under said call of the president, and the tax to pay the same shall be levied and collected with the other taxes of 1865.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved April 7, 1865.

CHAPTER 353.

[*Published May* 24, 1865.]

AN ACT declaring Maple creek navigable for the purpose of driving logs.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. The stream known and designated as Maple creek, situated in town twenty-three (23,) range fourteen (14,) and town twenty-three (23,) range fifteen (15) east, situated in Waupaca and Outagamie counties, and state of Wisconsin, is hereby declared navigable for the purpose of driving logs: *provided*, that nothing in this act shall be construed so as to effect the building and keeping in repair of mills, mill dams and bridges on said stream. Navigable.

SECTION 2. This act shall take effect and be in force from and after its passage.

Approved April 7, 1865.

CHAPTER 354.

[*Published May* 24, 1865.]

AN ACT in relation to fences in the city of Oshkosh.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Aldermen to be fence viewers.

SECTION 1. Section one of chapter seven of an act entitled "an act to revise, consolidate and amend the act to incorporate the city of Oshkosh, and the several acts amendatory thereof," approved March 22d, A. D. 1861, and published as chapter ninety-six of the private and local [general] laws of the year 1861, is hereby amended, by adding thereto the following words: "The aldermen of the several wards shall be fence-viewers in and for their respective wards, and all the provisions of chapter seventeen of the revised statutes of the year 1858, relative to fences and fence-viewers, shall be in force in said city."

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved April 7, 1865.

CHAPTER 355.

[*Published May* 24, 1865.]

AN ACT for the relief of the Rock county agricultural society.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Order in favor of.

SECTION 1. The secretary of state is hereby directed to issue an order on the state treasurer in favor of the Rock county agricultural society, for the amount of one hundred dollars, the same as if the law had been fully complied with.

SECTION 2. This act shall take effect from and after its passage and publication.

Approved April 7, 1865.

CHAPTER 356.

[*Published May* 24, 1865.]

AN ACT for the relief of the Polk county agricultural society.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. The secretary of state is hereby authorized and directed to issue an order upon the state treasurer in favor of the Polk county agricultural society, pursuant to section five of chapter fifty-three of the general laws of 1858, in the same manner as though the annual report of said society had been received on the first day of February, 1865: *provided*, said report be on file in the office of the secretary of state at the time of the passage of this act. When order may be issued in favor of.

SECTION 2. This act shall take effect and be in force from and after its passage.

Approved April 7, 1865.

CHAPTER 357.

[*Published May* 24, 1865.]

AN ACT to amend the charter of the city of Oshkosh.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. That whenever hereafter any taxes are levied by the common council of the city of Oshkosh, the same may be extended in the aggregate in one column. Taxes aggregated.

SECTION 2. It shall be the duty of the city treasurer of said city, to give receipts for taxes collected by him, in which shall be shown the amount of assessment on which the tax is collected, and also the per centage levied by said council for each specific purpose. Receipt for taxes

SECTION 3. All acts or parts of acts conflicting with the provisions of this act, are hereby repealed. Repeal

SECTION 4. This act shall take effect and be in force from and after its passage and publication.

Approved April 7, 1865.

CHAPTER 358.

[*Published May* 19, 1865.]

AN ACT to attach the town of Lincoln, in the county of Wood, to the town of McClellan, and to change the name of said town to Dexter.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Attached—name changed.

SECTION 1. The town of Lincoln, in the county of Wood, is hereby attached to and shall become a part of the town of McClellan, in said county, and the name of said town of McClellan is hereby changed to Dexter. The first town meeting shall be held at the house of L. A. Houston, in said town. The board of supervisors of said town of Dexter shall have power to levy and collect the tax of the said town, as so formed, for the year 1865.

First meeting—taxes.

Organization of new towns.

SECTION 2. No town shall be hereafter organized in said county of Wood, unless the same shall contain, when organized, at least thirty permanent settlers, who are qualified voters of said town, nor shall the boundaries of any town be so altered or changed as to reduce them below the above standard, without the consent of two-thirds of the qualified voters of said town.

SECTION 3. This act shall take effect and be in force from and after its passage.

Approved April 7, 1865.

CHAPTER 359.

[*Published May* 25, 1865.]

AN ACT to amend section 12 of chapter 8 of chapter 96 of the laws of 1861, entitled "an act to revise, consolidate and amend the act to incorporate the city of Oshkosh, and the several acts amendatory thereof."

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Treasurer shall be made a salaried office—his

SECTION 1. Section 12 of chapter 8 of the charter of the city of Oshkosh, is hereby amended, so as to

read as follows: "Section 12. The city treasurer shall keep, in a book provided for that purpose, a true account of all fees received by him for the collection of taxes in said city, or for any other purpose, which book shall be open at all times to the inspection of the mayor or common council of said city, and shall pay into the general fund of said city, for the benefit of the city, all sums of money so received by him for fees; and the mayor and common council of said city shall fix by resolution the salary of the city treasurer, at such amount as they may deem just and proper, not exceeding the amount of twelve hundred dollars for any one year, which amount so fixed shall be paid to said city treasurer as other salaries are paid to officers of said city, in full compensation for his services as such treasurer."

Fees to be paid into treasury for benefit of city.

SECTION 2. This act shall take effect and be in force from and after its passage.

Approved April 7, 1865.

CHAPTER 360.

[*Published April* 8, 1865.]

AN ACT to amend chapter ten of the revised statutes, entitled "of state officers."

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. Section 8 of chapter 10 of the revised statutes, is hereby amended, as follows: By striking out the words "twelve hundred," in the fourth line, and inserting the words "sixteen hundred" in lieu thereof, so that the latter clause of said section will read as follows: "The salary of the private secretary of the governor shall be sixteen hundred dollars per annum, to be paid quarterly, as other salaries are paid."

Salary of governor's private secretary.

SECTION 2. The sum necessary to carry into effect the provisions of this act, is hereby annually appropriated out of the general fund.

Appropriation.

SECTION 3. All acts or parts of acts inconsistent with the provisions of this act, are hereby repealed.

SECTION 4. This act shall take effect and be in force from and after its passage.

Approved April 7, 1865.

CHAPTER 361.

[*Published April* 10, 1865.]

AN ACT to increase the compensation now allowed by law to certain officers and employees of the state prison, and to appropriate a certain sum of money for such purpose.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Per diem of state prison officers and employees.

SECTION 1. The following officers and employees of the state prison, shall each receive for his services the sum of fifty cents per day, in addition to the amount now allowed by law: The deputy warden, the overseers in the several shops, and all other overseers and keepers in the several departments of the prison; which amount shall be paid by the commissioner at the times and in the manner provided in section six of chapter 188 of the revised statutes.

Appropriation.

SECTION 2. There is hereby appropriated to Henry Cordier, state prison commissioner, out of any money in the state treasury not otherwise appropriated, the sum of three thousand dollars, to carry into effect the provisions of this act.

SECTION 3. This act shall take effect and be in force from and after its passage.

Approved April 7, 1865.

CHAPTER 362.

[*Published May* 25, 1865.]

AN ACT to amend chapter 32 of the general laws of 1863, entitled "an act relative to the commencement and prosecution of civil actions against persons in the military service of the country."

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Stay of proceedings in civil actions not applicable to deserters.

SECTION 1. Section 4 of chapter 32 of the general laws of 1863, is hereby amended, by inserting after the words, "to foreclose mortgages or mechanics' liens," where they occur in the seventh and eighth lines of said section, the following words: "nor to any person who has heretofore deserted or may hereafter desert the military service of the United States, after having been enlisted or drafted therein or appointed thereto."

When stay of proceedings in case of a deserter shall be vacated, &c.

SECTION 2. In any action now pending or that may hereafter be commenced in any of the courts of this state, wherein a stay of proceedings has been or may hereafter be ordered, because of any defendant having before or after the commencement of the action, been enlisted, appointed or drafted into the military service of the United States, such order staying proceedings shall be vacated, and the action restored, and if at issue, at once placed on the calendar of the term for trial, by the court in which the same is pending, when it shall appear upon motion or order to show cause, that the defendant on account of whose being in such service the action was stayed, had at the time of making such stay deserted or did thereafter desert the military service of the United States.

How fact of desertion may be proved.

SECTION 3. The fact of desertion by any such defendant from said service, may be proved upon such motion or order to show cause, either, Firstly. By the certificate of the military officer from whose custody or command he deserted; Secondly. By the certificate of the United States provost marshal general for this state, having in his custody the rolls of deserters upon which such defendant's name appears; or, Thirdly. By the certificate of any military officer, or the affidavit of any person who knows the fact: *provided*, that said affidavit or certificate shall be taken and deemed *prima facie* evidence only that such defendant is a deserter.

Any such certificate or affidavit shall state from what place and at what time such desertion took place. The notice of motion or order to show cause may be served upon the attorney who appeared to procure the order staying proceedings, or may be served upon such defendant in the same manner as a summons.

SECTION 4. All acts and parts of acts contravening the provisions of this act, are hereby repealed.

Approved April 7, 1865.

CHAPTER 363.

[*Published May* 25, 1865.]

AN ACT to change the name of the First Presbyterian church in Dodge county.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Name changed.

SECTION 1. The name of the "First Presbyterian church of Dodge Center," being in the village of Juneau, in Dodge county, is hereby changed to the "First Presbyterian church of Juneau."

SECTION 2. This act shall take effect when published.

Approved April 7, 1865.

CHAPTER 364.

[*Published May* 17, 1865.]

AN ACT for the encouragement and protection of the wool-growing interest in this state.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

$5 premium for killing wolf.

SECTION 1. That any person who shall kill any wolf or wolves within this state, shall be entitled to receive a compensation or reward for each wolf the sum of five dollars.

SECTION 2. That any person claiming such reward, shall produce the scalp or scalps of the wolf or wolves so killed, with the ears entire, within twenty days after such wolf or wolves have been killed, to the clerk of the circuit court of the county within which such wolf or wolves were killed, or of the county to which such county may be attached for judicial purposes. And such clerk shall administer to the person producing such scalp or scalps as aforesaid, the following oath or affirmation: "You do solemnly swear, (or affirm, as the case may be,) that the scalp (or scalps) now produced by you, is the scalp (or scalps) of a wolf (or wolves, as the case may be,) taken in the county of (naming the county,) by you, within twenty days last past, and that you have not spared the life of any wolf within your power to kill;" which oath or affirmation shall be taken by the clerk in writing, and subscribed by the person producing the scalp or scalps.

Scalp and ears to be delivered to clerk of court.

Oath as to killing, &c.

SECTION 3. The clerk before whom such oath or affirmation is made, after causing the scalp or scalps to be destroyed in his presence, shall file the deposition so taken in his office, and shall enter in a book to be kept by him for that purpose, the date, number and amount of all accounts certified by him to the secretary of state, in conformity with the provisions of this act, and he shall annually, on or before the first day of May, in each year, make out and transmit to the secretary of state an exhibit of all accounts so certified to by him.

Record of scalps, &c. and report to secretary of state.

SECTION 4. The secretary of state, upon presentation of any account for the killing of any wolf, as provided in section one of this act, duly sworn to according to law, with the certificate of the clerk, under seal, who shall have destroyed the scalps and administered the oath, as provided in section two of this act, certifying that the provisions of this act had been fully complied with, shall audit the same, and draw his warrant upon the state treasury for the amount; and there is hereby annually appropriated out of any money in the treasury not otherwise appropriated, a sum of money sufficient to carry into effect the provisions of section one of this act.

Auditing of accounts.

Appropriation.

SECTION 5. If any person shall be guilty of obtaining from the clerk of the circuit court of any county in this state, any such certificate as hereinbefore provided

Penalty.

for, by any false or fraudulent representations or practices, he shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine not exceeding one hundred dollars, and by imprisonment in the county jail for not more than one year.

Ibid.

SECTION 6. If any clerk of the circuit court of any county, who shall be applied to for a certificate under the provisions of the preceding sections of this act, shall willfully or knowingly give a false certificate, such clerk shall be deemed guilty of a misdemeanor, and on conviction thereof shall be punished by a fine not exceeding one hundred dollars, or by imprisonment in the county jail for not more than one year.

Construction.

SECTION 7. This act shall not be construed to interfere with or contravene the provisions of any law now in force in this state, allowing counties to pay bounties for the destruction of wolves.

SECTION 8. This act shall take effect and be in force from and after its passage and publication.

Approved April 7, 1865.

CHAPTER 365.

[*Published May* 25, 1865.]

AN ACT relating to grant of lands, and amendatory of section 7 of chapter 86 of the revised statutes, entitled "of alienation by deed of the proof and recording of conveyances, and the canceling of mortgages."

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Grant not void, tho' land in possession of person claiming under adverse title.

SECTION 1. Section 7 of chapter 86 of the revised statutes, is hereby amended, so that the same shall read as follows: "No grant of land shall be void for the reason that at the time of the delivery thereof, such lands shall be in the actual possession of a person claiming under title adverse to that of the grantor."

SECTION 2. This act shall take effect and be in force from and after its passage.

Approved April 7, 1865.

CHAPTER 366.

[*Published May* 24, 1865.]

AN ACT to authorize and require the clerk of the board of supervisors of the county of Rock, to keep up and maintain an abstract of tax sales.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. It shall be the duty of the clerk of the board of supervisors for the county of Rock, state of Wisconsin, to keep up and maintain the abstract of tax sales heretofore commenced by the said county, and post and to note therein all sales made by said county [for] taxes, and to note in a conspicuous manner all deeds and redemptions; and whenever the books for such purpose now commenced are filled up, it shall be the duty of said clerk to procure new books, to be paid for from the county treasury; and as compensation for such service, the said clerk shall be paid the sum of five (5) cents for each tract entered in such abstract, commencing with the sale of 1862, to be paid from the county treasury. Abstract to be kept up. Compensation.

SECTION 2. Whenever redemptions are made, or deeds for taxes are executed, the clerk shall add to the fees now authorized by law for the same, the sum of five (5) cents for each tract so redeemed or deeded. 5 cts to be added in redemptions, &c.

SECTION 3. This act shall be in force and take effect from and after its passage.

Approved April 7, 1865.

CHAPTER 367.

[*Published May* 25, 1865.]

AN ACT to authorize the banks of this state to reduce their capital stock.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. Any bank or banking association organized under the laws of the state of Wisconsin, is Banks may reduce their capital stock.

hereby authorized to reduce its capital stock to any sum not less than twenty-five thousand dollars, upon filing with the bank comptroller a certificate from the secretary of state, that the requirements of subdivision thirteen of an act to amend chapter 479 of the general laws of Wisconsin for the year 1852, entitled "an act to authorize the business of banking in the state of Wisconsin," approved May 15th, 1858, have been complied with, and setting forth in said certificate the amount to which such capital sock is to be reduced: *provided*, that no bank shall be allowed to reduce its capital stock to an amount less than its circulating notes outstanding at the time of the filing of the certificate required in this section; and each and every bank shall be required to pay to the state treasurer all taxes due to the state on the full amount of its capital up to and including the day on which such certificate is filed with the bank comptroller.

Proviso.

Certificate of reduction to be filed.

SECTION 2. The president and cashier of each and every bank or banking association which shall reduce its capital stock, as provided in section one of this act, shall file in the office of the register of deeds in the county where such bank is located, a certificate, under oath, stating the sum to which the capital stock of such bank is reduced.

SECTION 3. This act shall take effect and be in force from and after its passage.

Approved April 7, 1865.

CHAPTER 368.

[*Published May* 25, 1865.]

AN ACT to incorporate the Milwaukee petroleum company.

(*See supplement to local laws.*)

CHAPTER 369.

[*Published May* 25, 1865.]

AN ACT to incorporate the Wolf river petroleum company.

(*See supplement to local laws.*)

CHAPTER 370.

[*Published May* 25, 1865.]

AN ACT to incorporate the Manitowoc savings bank.

(*See supplement to local laws.*)

CHAPTER 371.

[*Published May* 26, 1865.]

AN ACT to incorporate the Oconto log-driving company.

(*See supplement to local laws.*)

CHAPTER 372.

[*Published May* 8, 1865.]

AN ACT to incorporate the Appleton city gas-light company.

(*See supplement to local laws.*)

CHAPTER 373.

[*Published April* 25, 1865.]

AN ACT to vacate certain lots and blocks in the town of Marquette, Green Lake county, Wisconsin.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Vacated.

SECTION 1. The northwest quarter (N. W. ¼) of block number nine, northwest quarter (N. W. ¼) of block number eight, east half of block number twenty-six, and lots numbers five, six, seven, eight, nine, ten and eleven, in block number fifteen, in the village of Marquette, county of Green Lake, and state of Wisconsin, (*be and the same*) are hereby vacated.

Construction.

SECTION 2. This act shall not be construed so as to prevent the town of Marquette from claiming (free of expense) all streets in said village which connect with the highways of said town.

SECTION 3. This act shall take effect from and after its passage.

Approved April 8, 1865.

CHAPTER 374.

[*Published May* 25, 1865.]

AN ACT to correct and legalize the record of blocks numbers seventeen and eighteen, and the lots therein, in the village of Barton, in the county of Washington.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Record of certain blocks to be corrected.

SECTION 1. The register of deeds of the county of Washington is hereby authorized and instructed to correct the record of blocks numbers seventeen (17) and eighteen (18,) and the lots therein, in the village of Barton, in said county, so as the said record, when so corrected, will correspond with the original survey and platting of said village of Barton, formerly called Salisbury, located on the west half (½) of the south-

west quarter (¼) of section one (1,) and the east half (½) of the southeast quarter (¼) of section two (2,) and the northeast quarter (¼) of the northeast quarter (¼) of section eleven (11,) in township number eleven (11) north, of range number nineteen east, and recorded in the office of register of deeds of said county of Washington, and when so corrected, shall be evidence in any court of law.

SECTION 2. This act shall take effect and be in force from and after its passage.

Approved April 8, 1865.

CHAPTER 375.

[*Published May* 19, 1865.]

AN ACT to repeal chapter 239 of the general laws of 1862.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. Chapter 239 of the general laws of 1862, is hereby repealed. Repeal.

SECTION 2. Section 9 of chapter 133 of the revised statutes, entitled "of costs and fees," is hereby revived and continued in force, and shall be applicable to the January term, A. D. 1865. *Per diem* of clerk of supreme court

SECTION 3. This act shall take effect and be published immediately.

Approved April 8, 1865.

CHAPTER 376.

[*Published May 25, 1865.*]

AN ACT to legalize the official acts of Samuel B. Cooper, as justice of the peace of the county of Rock, and to authorize him to file his official bond and oath of office.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Acts legalized.

SECTION 1. All the official acts and duties of Samuel B. Cooper, as justice of the peace in the county of Rock, in this state, prior to the passage of this act, so far as the same are consistent with the laws of this state, are hereby legalized and declared to be as valid to all intents and purposes, as they would have been had the said Samuel B. Cooper filed his official bond and oath of office within the time and in the manner provided by the laws of this state.

When bond and oath may be filed

SECTION 2. It shall be lawful for the said Samuel B. Cooper to file his official bond and oath of office, as justice of the peace of the said county of Rock, pursuant to his election to said office at the, at the annual meeting held in the city of Beloit, in said county of Rock, for the election of city officers and justices of the peace, on the 5th day of April, 1864, at any time within twenty days after the passage of this act; and when said official bond and oath of office shall be so filed, in pursuance of the revised statutes and of this act, the said Samuel B. Cooper shall be fully qualified to act as justice of the peace of the said county of Rock, for the remainder of the term for which he was elected.

SECTION 3. This act shall take effect and be in force from and after its passage.

Approved April 8, 1865.

CHAPTER 377.

[*Published April* 27, 1865.]

AN ACT to provide more effectually for the protection of state lands.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. Any person who shall dig mineral upon or remove mineral from any lands belonging to the state, or in which the state may have any right, title or interest, legal or equitable, or who shall cut timber, lumber, trees, wood or bark upon any such lands, or who shall remove from any such land any of such timber or other material, or any buildings, fences, fixtures or other property standing upon or appurtenant to such land, or shall destroy or injure the same except when authorized by law, shall be guilty of a misdemeanor, and upon conviction of such offense, shall be punished by imprisonment in the county jail of the proper county not more than six months, and by fine not exceeding one thousand dollars. Penalty for digging minerals, cutting timber, &c. on state lands.

SECTION 2. Any justice of the peace shall have concurrent jurisdiction in his own county with the circuit court, of any offense mentioned in the preceding section, where the value of the trees, wood, timber, mineral, earth, property or other material shall be alleged not to exceed the sum of one hundred dollars, and in such case the punishment shall be by fine, not exceeding one hundred dollars nor less than ten dollars. Jurisdiction of justices.

SECTION 3. The first section of this act shall be held to include lands mortgaged to the state and lands sold by the state, but not fully paid for, and also lands granted to the state by the act of congress entitled "an act to enable the state of Arkansas and other states to reclaim the swamp lands within their limits," approved September 28th, 1850, whether or not such lands shall have been selected by the state or conveyed to the state. Applicable to lands mortgaged to state.

SECTION 4. It shall be the duty of the district attorney of each county, to give special attention to the diligent prosecution of the offenses specified in this act, especially upon complaint made to him by the commissioners of school and university lands, or Duty of district attorneys to prosecute.

May be paid for such services.

any clerk or agent appointed by them. It shall be competent for the commissioners of school and university lands to order to be paid to the district attorney, for extra services required of him under this act, out of the fines collected from persons guilty of the offenses herein mentioned, a sum not exceeding ten per cent. thereof, and to witnesses or other persons furnishing information of such offenses, out of such fines, an amount not exceeding twenty-five per cent.

Clerks.

SECTION 5. Section one of chapter 233 of the general laws of 1864, is hereby amended, by striking out thereof, the words "not exceeding eight."

Penalty for resisting clerks in the discharge of their duties.

SECTION 6. Any person who shall knowingly resist, hinder or obstruct, or procure or counsel any one to resist, hinder or obstruct any clerk, appointed by the commissioners of school and university lands, in the discharge of the duties as clerk, under chapter 277 of the general laws of 1860, or chap. 233 of the general laws of 1864, or who shall willfully remove, disturb or interfere with or cause to be removed, disturbed or interfered with any timber or other materials seized by such clerks under the provisions of the said acts, after notice of such seizure, before such materials shall be released pursuant to order of the said commissioners, shall be guilty of a misdemeanor, and shall, upon conviction of such offense, be punished by imprisonment in the county jail of the proper county, not more than one year, and by fine not less than one hundred dollars nor more than one thousand dollars.

Certificate of secretary of state made evidence.

SECTION 7. Upon any hearing or trial in any suit, indictment or other legal proceeding, the certificate of the secretary of state, under the seal of the state, that any specified piece or tract of land belongs to the state, or is mortgaged to the state, or that the state has any interest, legal or equitable, in such piece or tract of land, or that authority has been given by the commissioners of school and university lands to any clerk appointed by them, naming him, to seize timber or other materials specified in this act, shall be *prima facie* evidence of the fact or facts stated in such certificate.

SECTION 8. This act shall take effect and be in force from and after its passage.

Approved April 8, 1865.

CHAPTER 378.

[*Published May* 26, 1865.]

AN ACT to authorize certain towns in Sauk county, in this state, to issue bonds to aid in the construction of the Portage city and Baraboo valley railroad.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Town board may issue bonds.

SECTION 1. That the supervisors of the town of Baraboo, in the county of Sauk, are hereby authorized to issue the bonds of said town in a sum not exceeding fifty thousand dollars, in such denomination as the said supervisors shall determine, to aid in the construction of the Portage city and Baraboo valley railroad. Said bonds shall bear a rate of interest not exceeding seven per cent. per annum, which interest, together with five per cent. of the principal, shall be paid annually at the village of Baraboo, until the whole amount shall have been paid.

Question first to be submitted to vote.

SECTION 2. No bonds shall be issued in pursuance of this act, until a majority of the freeholders of said town of Baraboo, voting upon said question, shall have voted in favor of the same, at an election called by order of the supervisors of the town aforesaid, as hereinafter provided.

Notice of election

SECTION 3. Notices of said election shall be signed by the town clerk of said town, one of which shall be published in the Baraboo Republic for the three weeks immediately preceding the election aforesaid, and three other notices similar in all respects to the one published in the Baraboo Republic, shall be prepared and signed by the town clerk aforesaid, and posted up in three conspicuous places in said town, at least three weeks previously to the election, and such notices shall set forth clearly the object of said election.

Form of ballots, how election conducted, &c.

SECTION 4. Said election shall be held at the usual place of holding elections in said town of Baraboo, and the freeholders voting at said election shall deposite a ballot containing the words "for bonds," or "against bonds." Said election shall be conducted and the result thereof canvassed in the same manner as the annual town meetings are by law conducted, and the result thereof recorded in the "book of records" of said town,

which record, when attested by the clerk of said town, shall be received as legal evidence of the result of said election.

How bonds to be signed, and for what purpose used.

SECTION 5. The bonds issued under the provisions of this act, shall be signed by the chairman of the board of supervisors of said town, and attested by the town clerk thereof, and said bonds shall be used exclusively in aid of constructing a railway from Portage city, in the county of Columbia, to Baraboo, in the county of Sauk, and for no other purpose whatever.

Tax for interest and 5 per cent. of principal.

SECTION 6. It shall be the duty of the supervisors of the said town of Baraboo, to cause to be levied and collected annually from the taxable property of said town, a sum sufficient to pay the interest on said bonds, as it becomes due, together with five per cent. of the principal of said bonds, as mentioned in the first section of this act; and if the said supervisors of said town of Baraboo shall fail or neglect to levy and collect such tax for one year, it shall be the duty of the circuit judge sitting in the county of Sauk, on application of any holder of said bonds, to direct the sheriff of said county to take the assessment roll of said town, and to calculate the amount necessary to be charged against each person having property assessed in his, her or their name, *pro rata*, a sufficient per cent. so that when the whole amount is collected, it shall be sufficient to pay the whole amount accruing from the neglect or refusal of said supervisors of said town to levy and collect as aforesaid, together with the costs; and on the refusal or neglect of any person to pay, when demanded by said sheriff, it shall be the duty of the sheriff to take the property of such person or persons, and sell the same at public auction, giving the same notice, and the parties having the same right of of redemption, as on executions at common law.

Tax may be ordered by judge of circuit.

Other towns may aid said road.

SECTION 7. The provisions of this act shall apply to any and all other towns in the county of Sauk desirous of aiding in the construction of the Portage city and Baraboo valley railroad: *provided*, that no other town in said county shall issue an amount of bonds exceeding in amount twenty thousand dollars; *and provided, further*, that they are used for the same purpose only, and isued on the same notice of election being given, the rate of interest, mode and manner of assessment, collection and payment the same, and signed by

the same town officers, and every restriction and safeguard being given and made, as those mentioned in the preceding sections, and made, use of only to construct the railroad in the towns where they are issued.

SECTION 8. This act shall be liberally construed so as to accomplish the object sought to be attained by its passage, and shall take effect from and after its publication. Construction.

Approved April 8, 1865.

CHAPTER 379.

[*Published May* 27, 1865.]

AN ACT to incorporate the Wisconsin, Minnesota, Iowa, Michigan and Pennsylvania mining company.

(*See supplement to local laws.*)

CHAPTER 380.

[*Published May* 27, 1865.]

AN ACT to incorporate the Northwestern petroleum and mining company.

(*See supplement in local laws.*)

CHAPTER 381.

[*Published May* 27, 1865.]

AN ACT to incorporate the Union insurance company.

(*See supplement to local laws.*)

CHAPTER 382.

[*Published May* 27, 1865.]

AN ACT to incorporate the Northwestern business men's company.

(*See supplement to local laws.*)

CHAPTER 383.

[*Published May* 18, 1865.]

AN ACT to incorporate the Outagamie petroleum company.

(*See supplement to local laws.*)

CHAPTER 384.

[*Published May* 25, 1865.]

AN ACT to incorporate the Washington county petroleum company.

(*See supplement to local laws.*)

CHAPTER 385.

[*Published May* 25, 1865.]

AN ACT to incorporate the Davenport lead-mining and smelting company.

(*See supplement to local laws.*)

CHAPTER 386.

[*Published May* 26, 1865.]

AN ACT to incorporate the Benton mining and manufacturing company.

(*See supplement to local laws.*)

CHAPTER 387.

[*Published May* 27, 1865.]

AN ACT to incorporate the Wisconsin home insurance company.

(*See supplement to local laws.*)

CHAPTER 388.

[*Published May* 27, 1865.]

AN ACT to authorize and empower George Bennett, Asahel Farr, Wm. B. Selleck and Nath'l B. Selleck, to build and maintain a dock and pier extending into Green Bay.

(*See supplement to local laws.*)

CHAPTER 389.

[*Published April* 10, 1865.]

AN ACT to amend section (6) six of chapter 242 of the general laws of 1863.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Pay of aid-de-camp.

SECTION 1. Section (6) six of chapter 242 of the general laws of 1863, is hereby amended, by adding thereto the following words: "*Provided*, that the governor may assign the pay of the aid-de-camp on his staff, upon whom is devolved the duties of assistant adjutant-general, at a sum not exceeding fifteen hundred and forty-two ($1542) dollars per annum.

Repeal.

SECTION 2. All acts or parts of acts inconsistent with the provisions of this act, are hereby repealed.

SECTION 3. This act shall take effect and be in force from and after its passage.

Approved April 8, 1865.

CHAPTER 390.

[*Published May* 27, 1865.]

AN ACT to vacate certain lots in Belknap's addition to the village of Whitewater.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Vacated.

SECTION 1. All that portion of the plat of Belknap's addition to the village of Whitewater, which embraces lots numbers ten, eleven, twelve and thirteen, and the alleys and streets adjacent thereto, is hereby vacated, and the lands upon which the same were laid out and platted, shall be assessed and taxed in like manner as if the same had never been laid out and platted: *provided, however*, that such vacation shall not in any wise affect or impair any assessment thereof heretofore made, nor any tax heretofore levied thereon, or levied on any lot, tract or parcel thereof.

SECTION 2. This act shall take effect and be in force from and after its passage.

Approved April 8, 1865.

CHAPTER 391.

[*Published May* 17, 1865.]

AN ACT to authorize the commissioners of school and university lands to assign mortgages in certain cases.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Assignment of state mortgages.

SECTION 1. The commissioners of school and university lands may, upon receiving full payment of any note and mortgage owing to the state, assign the same, upon the written request of the mortgagor or person indebted thereon, to any person named by him, instead of releasing the same.

SECTION 2. This act shall take effect from and after its passage and publication.

Approved April 8, 1865.

CHAPTER 392.

[*Published May* 27, 1865.]

AN ACT to authorize Joseph D. Hall to build and maintain a bridge across Black river, in this state.

(*See supplement to local laws.*)

CHAPTER 393.

[*Published May 27, 1865.*]

AN ACT to authorize the Corn Exchange bank to reduce its capital stock.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Capital stock may be reduced.

SECTION 1. The "Corn Exchange bank," at Waupaca, is hereby authorized to reduce its capital stock to any sum not less than twenty-five thousand dollars, upon filing with the bank comptroller a certificate from the secretary of state, that said bank has complied with the requirements of subdivision thirteen of an act to amend chapter 479 of the general laws of Wisconsin for the year 1852, entitled "an act to authorize the business of banking in the state of Wisconsin," approved May 15th, 1858, and setting forth in said certificate the amount to which such capital stock is to be reduced: *provided*, that said bank shall not be allowed to reduce its capital stock to an amount less than its circulating notes outstanding at the time of the filing of the certificate required in this section; and the said bank shall be required to pay to the state treasurer all taxes due to the state on the full amount of its capital up to and including the day on which such certificate is filed with the bank comptroller.

Proviso.

Certificate to be filed.

SECTION 2. The president and cashier of the bank named in section one of this act, shall file in the office of the register of deeds in the county where said bank is located, a certificate, under oath, stating the sum to which the capital stock of said bank is reduced.

SECTION 3. This act shall take effect and be in force from and after its passage.

Approved April 8, 1865.

CHAPTER 394.

[*Published May* 27, 1865.]

AN ACT to amend chapter 228 of the general laws of 1864, entitled "an act to amend section one of chapter 390 of the general laws of 1862, relating to the superintendent of public property, and the purchase and distribution of stationery."

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Expenses of sup. of public property in purchase of stationery.

SECTION 1. Chapter 228 of the general laws of 1864, entitled "an act to amend section one of chapter 390 of the general laws of 1862, relating to the superintendent of public property, and the purchase and distribution of stationery," is hereby amended, by striking out the words "five hundred," where the same occur in sections one and two of said act, and inserting in lieu thereof the words "one thousand."

SECTION 2. This act shall take effect and be in force from and after the passage and publication thereof.

Approved April 8, 1865.

CHAPTER 395.

[*Published May* 27, 1865.]

AN ACT to enable the city of Sheboygan to raise $4,000 additional tax for the year 1865.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

$4,000 additional tax may be raised.

SECTION 1. The common council of the city of Sheboygan is hereby authorized and empowered to raise by tax, for poor and other general city purposes, in the city of Sheboygan, a sum not exceeding four thousand dollars, in addition to what they are now authorized by law to raise.

SECTION 2. This act shall take effect and be in force from and after its passage.

Approved April 8, 1865.

CHAPTER 396.

[*Published April* 18, 1865.

AN ACT relating to the management of common schools in the city of Fond du Lac.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Office of sup't of schools abolished

SECTION 1. The office of superintendent of common schools of the city of Fond du Lac, is hereby abolished, and hereafter the common schools of said city shall be under the direction of the trustees thereof.

Trustee to be elected president

SECTION 2. The said trustees at their first meeting after the passage of this act, shall elect one of their number president, who shall preside at their meetings, and hold his office until their first meeting after the next annual election of trustees, when they shall again elect one of their number president, to hold for one year, and until a new president is elected.

President may be removed, &c.

SECTION 3. The president may be removed at any time by the majority of the trustees elected, and a new one elected to fill his term, and in his absence at any of their meetings, a temporary president may be elected, with all his powers and duties at that meeting.

Duty of president

SECTION 4. It shall be the duty of the president to sign, execute and authenticate any resolution or instrument in writing, with or without seal, when directed by the trustees in the discharge of their duties.

Examining board

SECTION 5. The trustees shall appoint of their number three persons, or less, to examine teachers, or in place thereof confer that power on the principal of the high school, which committee or principal shall report to the board, and no teacher shall be accepted unless approved by said board, and said board may remove a teacher at any time.

Repeal.

SECTION 6. This act shall take effect on its passage and publication, and all acts or parts of acts in any way conflicting with its provisions, are hereby repealed.

Approved April 8, 1865.

CHAPTER 397.

[*Published May* 29, 1865.]

AN ACT to authorize D. G. Seaton and his associates to keep and maintain a ferry across the Wisconsin river.

(*See supplement to local laws.*)

CHAPTER 398.

[*Published May* 27, 1865.]

AN ACT to amend an act entitled "an act to incorporate the Superior insurance company, of Madison," approved February 22, 1865.

(*See supplement to local laws.*)

CHAPTER 399.

[*Published May* 27, 1865.]

AN ACT to incorporate the Badger State agricultural implement manufacturing company.

(*See supplement to local laws.*)

CHAPTER 400.

[*Published May* 18, 1865.]

AN ACT to provide for taxing the shares of stock of national banking associations.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Assessors to include shares of national banks in valuation of personal property.

SECTION 1. It shall be the duty of the assessor of any city, ward or town in which any banking association, created by authority of any law of the United States, may be located, to include in the valuation of the personal property of any person or corporation, whether residing or located in or out of such city, town or ward, the shares of such banking association owned by such person or corporation, at the par value of such shares.

How list of stock holders may be obtained.

Such assessor may apply to any officer or manager of such banking association for the names of such shareholders, and upon such application it shall be the duty of such officer or manager to furnish to such assessor a full and correct list of all the shareholders in such association, and their respective places of residence, so far as such officer or manager can ascertain the same, which list shall be verified by the affidavit of such officer or manager.

In case list not furnished by 1st Nov.

In case such list shall not be furnished by the first day of November, it shall be the duty of such assessor to make a personal examination of the books and papers of such association, for which purpose full authority is hereby conferred upon him, and to obtain from such examination and otherwise, information that may enable him to make return of such shareholders and the amount of stock owned by each. On or before the first day of December, the assessor shall make a return of such shareholders and stock, and if he shall be unable to ascertain the names of all the shareholders, he may return them as unknown owners, specifying the number of shares belonging to them.

Return to be forwarded to state treasurer.

SECTION 2. Such return shall not be altered or equalized by any other officer, but shall be delivered to the clerk of the board of supervisors in each county, who shall immediately forward a copy thereof, certified under his hand and seal of office, to the state treasurer. Nor shall the value of shares so returned be included in

the estimated basis of taxation, nor shall any tax be levied thereon except as herein directed.

Tax of one and a half per cent. on such stock.

SECTION 3. It shall be the duty of every owner or holder of any share or shares in such banking association, whether resident or located within or without the state, to pay to the state treasurer on or before the thirty-first day of December, in each year, a tax for that year of one and one-half per centum on the par value of such stock, which tax shall be a lien upon such stock from and after the first day of July previous until paid. In case the tax on any such stock shall remain unpaid until the first day of February thereafter, it shall be the duty of the state treasurer, without unnecessary delay, to give notice of such non-payment, and that in consequence thereof he will sell the share or shares, specifying the number and the names of the owners, so far as known to him, at public auction, at his office in the city of Madison, at a time to be mentioned in the notice. Such notice shall be given by publication in the state paper, and in some newspaper published where such banking association may be located, if any there shall be, once a week for at least four weeks previously to such sale. The state treasurer may postpone such sale from time to time, not exceeding four weeks from the day first fixed for such sale, of which postponement he shall give notice by publication in the aforesaid newspaper.

In case tax not paid, shares may be sold.

Notice of sale, &c

If tax paid before 1st Nov. list need not be made.

SECTION 4. The said banking associations may pay to the state treasurer the amount of such tax on the shares of their respective stockholders, at any time before the said thirty-first day of December; and if any such association shall pay such tax before the first day of November, when the list of shareholders shall be required to be made, as provided in the first section of this act, no such list need be made, but the said association shall exhibit to such assessor the state treasurer's receipt, showing such payment, and thereupon no further proceedings shall be taken, except that the assessor shall make return that such association has paid the taxes of its shareholders for the current year.

Penalty—to be added to tax.

SECTION 5. If the said tax shall not be paid on or before the thirty-first day of December, as aforesaid, a penalty of one per centum on the amount of the stock shall be added thereto, and if such tax and penalty, together with the costs and charges, shall not be previ-

ously paid to the state treasurer, the shares of stock delinquent shall be sold by the state treasurer, according to the terms of the notice of sale aforesaid; and the purchaser of any share or shares shall receive from the state treasurer a certificate of purchase thereof, which shall vest in him a perfect title thereto, and be *prima facie* evidence of such title; and upon presentation of such certificate to the proper banking association, the stock so purchased shall be transferred to his name upon the books of such association. Such banking association shall have power to pay such taxes on behalf of the stockholders, and shall have a lien for the amount so paid upon the stock, or in case of paying such tax upon all of the stock, they may treat the same as part of the expenses of managing such association.

Certificate of sale and transfer of stock.

Excess over tax, costs, &c. to be paid owners.

SECTION 6. The state treasurer shall pay out of the proceeds of such sale of stock, the tax, penalty and charges of advertising and sale, and shall retain the remainder for the owner of the stock, to be paid to him upon demand and presentation of proof of ownership.

When tax may be reduced.

SECTION 7. Whenever the tax assessed upon other monied capital in the hands of individual citizens of the state, shall be less than one and one-half per centum, it shall be the duty of the state treasurer to reduce correspondingly the tax upon the stock of the said banking associations, and to require the payment only of such reduced tax.

Tax on real estate of banks.

SECTION 8. The real estate of such banking associations shall continue to be assessed and taxed as other real estate.

SECTION 9. This act shall take effect and be in force from and after its passage and publication.

Approved April 8, 1865.

CHAPTER 401.

[*Published May* 27, 1865.]

AN ACT to amend section 76 of chapter 28 of the revised statutes, entitled "of school and university lands."

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. Section 76 of chapter 28 of the revised statutes, entitled "of school and university lands," is hereby amended, so as to read as follows: "Section 76. The clerks hereby authorized to be employed, shall be employed for such time as the said commissioners shall deem advisable, at a price to be agreed upon by them. The claims of such clerks for services rendered, shall be audited by the secretary of state, and paid out of the income of the several trust funds in proportion to the amount of each fund: *provided*, that no clerk shall be paid for any time when not actually and necessarily employed in the duties of said office." Compensation of clerks.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved April 8, 1865.

CHAPTER 402.

[*Published May* 19, 1865.]

AN ACT to amend section 95 of chapter 13 of the revised statutes, entitled "of counties and county officers."

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. Section 95 of chapter 13 of the revised statutes, is hereby amended, so as to read as follows: Sheriff to be elected for two years, and execute bond

A sheriff shall be elected in each county in this state, organized for judicial purposes, for the term of two years, and shall, before entering upon the duties of his office, execute to the people of this state a bond with at least three sureties, being freeholders, in such penal sum, not less than five nor more than twenty-five

thousand dollars, as the officers approving the same shall specify; which bond shall be approved by the clerk of the circuit court and county judge of the same county, or in case of the absence of said clerk and county judge, or either of them, then the said bond shall be approved by the chairman and clerk of the board of supervisors of the county, and filed in the office of the clerk of the circuit court; and no person shall be received as such surety, who the persons approving such bond believe is not worth at least the sum of two thousand dollars over and above all debts, notwithstanding such surety may have so sworn."

By whom bond to be approved.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved April 8, 1865.

CHAPTER 403.

[*Published May* 8, 1865.]

AN ACT supplementary to and explanatory of section 1 of chapter 14 of the general laws of 1865, entitled "an act to authorize towns, cities and incorporated villages to raise money by tax for the payment of bounties to volunteers for the military service of the United States, and to provide for the levy and collection of the same."

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Surplus moneys may be assigned to general funds of towns, cities and villages.

SECTION 1: Whenever any town or incorporated village in this state shall have any surplus money in its treasury which shall have been collected by tax, pursuant to the provisions of chapter 14 of the general laws of 1865, the qualified electors of any such town or incorporated village may vote at any annual or special meeting, upon the question of assigning such surplus moneys to the general fund of their respective town or village; and if a majority of the qualified electors voting upon such question, shall vote in favor of such disposition of the said funds, then such surplus money shall be so assigned, and be appropiated and paid out in the same manner and for like purposes as other money is paid out for town and village ex-

penses; and whenever any incorporated city within this state shall have such surplus money in its treasury, such surplus may be assigned to the general fund of such city, upon order of the common council thereof, approved by the mayor, and when so assigned shall be paid out in the same manner and for like purposes that other money belonging to the general fund of such city is paid out.

SECTION 2. Nothing in said chapter 14 of the general laws of 1865, shall be construed to authorize the payment to the family of any volunteer or drafted man who has received from the bounty fund of any town, city or incorporated village the sum of two hundred dollars, any other or greater amount from such bounty fund than in the judgment of the proper authorities of said town, city or incorporated village is necessary, in addition to their other available means of support, for their proper maintenance and comfort, and such aid shall only be bestowed in monthly installments, and continued for such time as such authorities shall determine to be proper. Construction.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved April 8, 1865.

CHAPTER 404.

[*Published May* 27, 1865.]

AN ACT to vacate a part of the plat of the village of Rudville, in the county of Manitowoc.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. That all of the plat of the village of Rudville, in the county of Manitowoc, not included in blocks numbered fifty-three, fifty-four, fifty-five, twenty-six, thirty-eight, and what is known as the south mill lot, and the streets adjoining said blocks and lot, be and the same are hereby vacated: *provided*, that such vacation shall not affect any assessment or invalidate any tax heretofore made or levied. Vacated.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved April 8, 1865.

CHAPTER 405.

[*Published May* 27, 1865.]

AN ACT to provide for the indexing and transcribing the journals of the senate and assembly.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Appropriation to F. M. Stewart.

SECTION 1. There is hereby appropriated to Frank M. Stewart, chief clerk of the senate, for indexing the senate journal, the sum of one hundred dollars, and for completing the transcribing of the senate journal, the sum of one hundred dollars.

Appropriation to J. S. Dean.

SECTION 2. There is hereby appropriated to John S. Dean, chief clerk of the assembly, for indexing the assembly journal, the sum of one hundred dollars, and for completing the transcribing of the assembly journal, the sum of one hundred and fifty dollars.

When money to be drawn.

SECTION 3. No money hereby appropriated shall be drawn from the treasury until the secretary of state shall certify that the duties herein provided for shall have been respectively performed.

SECTION 4. This act shall take effect from and after its passage and publication.

Approved April 8, 1865.

CHAPTER 406.

[*Published May* 27, 1865.]

AN ACT to authorize the county board of supervisors of Door county, to levy a special tax for county road purposes.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. The board of county supervisors of Door county are hereby authorized and required to levy, annually, a special county road tax, to be expended in opening the county roads, as hereinafter provided: *provided*, that said supervisors shall not levy a greater sum than three thousand dollars in any one year.

Road tax of $3,000 may be annually raised.

SECTION 2. The taxes herein provided to be levied, shall be expended by the county board of supervisors in cutting out the timber four rods wide on all the main traveled roads in and through said county, and building bridges and building corduroys where the same are needed upon said roads.

How to be expended.

SECTION 3. The county board of supervisors at their annual meeting, in each year, shall provide for the expenditure of the county road tax herein authorized to be levied. They may make contracts, appoint road commissioners, and shall require good and sufficient bonds from all persons so contracted with or appointed by them, for the due execution of the same, respectively, and shall make such other provisions, as in their judgment shall best secure the faithful execution of the work required by this act.

Commissioners, &c.

SECTION 4. The board of supervisors before allowing any account for work and labor done under the provisions of this act, shall proceed to view the same in their respective supervisor districts, and upon their acceptance of the work and labor so done, shall audit and allow the account therefor.

Work to be reviewed before paid for.

SECTION 5. This act shall take effect and be in force from and after its passage and publication.

Approved April 8, 1865.

CHAPTER 407.

[*Published May* 9, 1865.]

AN ACT to amend an act entitled "an act to amend an consolidate an act entitled 'an act to incorporate the city of Racine, in the county of Racine,' approved August 8, 1848, and the several acts amendatory thereof," approved March 22d, 1861.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Saloons, &c. not to be kept on Sundays.

SECTION 1. Subdivision two of section 15 of chapter 98 of the private and local [general] laws of 1861, is hereby amended, by adding to said subdivision, after the word "city," the following: "and to restrain and prohibit the keeping open of groceries, shops, stores, saloons and other places of business or amusement on Sunday, in said city, and to prohibit the performance of secular business on that day."

Dockage.

SECTION 2. Subdivision six of said section 15 of said chapter 98, is hereby amended, by adding to said subdivision the following: "and to provide for the collection of dockage from persons landing lumber, wood, merchandise and other materials from vessels at the foot of the streets of said city, abutting upon the harbor."

Sidewalks may be made or repaired without petitions therefor.

SECTION 3. Section 31 of chapter 98 of the private and local [general] laws of 1861, is hereby amended, by adding to said section the following words: "except sidewalks, which the city council of said city may by ordinance cause to be made or repaired as above provided, without petition therefor, after having given ten days' previous notice to the owner or owners of the lot or lots in front of which it is proposed to make or repair such sidewalk, to make or repair the same; and in case of the refusal of such owner or owners to make or repair such sidewalk, as required in such notice and ordinance, said city council shall cause the same to be made or repaired, as hereinbefore and hereinafter provided."

Rates of licenses

SECTION 4. Subdivision one of section 15 of chapter 98 of the private and local [general] laws of 1861, is hereby amended, by striking out the words, "in no case be less than twenty-five dollars per annum," where they occur in the fifth and sixth lines of said subdi-

vision, and by inserting in lieu thereof the words, "be fixed and established by the city council, who shall have power and authority to establish either uniform or graduated rates for selling liquors in said city, as they may deem most expedient."

SECTION 5. This act shall take effect and be in force from and after its passage and publication.

Approved April 8, 1865.

CHAPTER 408.

[*Published May* 24, 1865.]

AN ACT to repeal chapter 132 of the private and local [general] laws of 1864, entitled "an act to amend an act to incorporate the Sinsinawa Mound college."

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. Chapter 132 of the private and local [general] laws of 1864, entitled "an act to amend an act entitled 'an act to incorporate the Sinsinawa Mound college,'" is hereby repealed. Repeal

SECTION 4. This act shall take effect and be in force from and after its passage and publication.

Approved April 8, 1865.

CHAPTER 409.

[*Published April* 27, 1865.]

AN ACT relating to absent, non-resident or concealed defendants, in certain cases.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. When it appears by the record in any action or proceeding, that judgment has been recovered against any parties as absent, concealed, or non-resident defendants, by the service of the summons under Proceedings against the representatives or assigns of absent, concealed or non-resident defendants,

where judgments have been obtained against such defendants.

an order of publication, by which service jurisdiction was not acquired, such parties, their representatives or assigns, may be summoned to show cause why they should not be bound and barred by such judgment, by the service of a summons, subscribed by the plaintiff in such action, his representatives or attorney, describing such judgment, and requiring them to appear and show cause, by filing an answer in the office of the clerk of the court where the record of such judgment remains, within twenty days after the service thereof; service of which summons may be made upon such parties, residents of the state, in the manner provided by law for the service of summons upon resident defendants [and] upon absent, concealed or non-resident parties, by publication of said summons in a newspaper published in the county where such judgment remains, for once a week for six successive weeks, an affidavit of the absence, concealment or non-residence of such parties first being filed with said clerk. Upon filing proof of the service of such summons, and of default to appear and show cause, as herein provided, the parties so served shall be barred and bound by such judgment, and the court where such judgment remains, may so order and adjudge. The party summoned may answer any matter showing that the complaint in such action does not constitute a cause of action against him, or showing any defense upon the merits thereto existing in his behalf at the time of such defective service, to which the party issuing the summons may demur or reply, and to which reply the party summoned may demur; and the issues may be tried and judgment may be given in the same manner as in an action. Any right of redemption, incumbrance or lien which would have been barred and foreclosed by the judgment in the original action, had jurisdiction been acquired be [by] the service of the summons under the order of publication, shall cease and determine in one year from and after the passage of this act, in or upon any real estate sold under such judgment. All orders of publication heretofore or hereafter made under section (10) ten of chapter 124 of the revised statutes, shall be evidence that the court or officer authorized to grant the same, was satisfied of the existence of all facts requisite to the granting of

such order or orders, and shall be evidence of the existence of such facts.

SECTION 2. This act shall take effect from and after its passage.

Approved April 8, 1865.

CHAPTER 410.

[*Published May* 27, 1865.]

AN ACT to amend chapter 204 of the private and local laws of 1855, entitled "an act to incorporate the Wisconsin state telegraph company."

(*See supplement to local laws.*)

CHAPTER 411.

[*Published May* 27, 1865.]

AN ACT to legalize certain special town meetings in the town of Gale, in Trempealeau county, and the acts of the board of supervisors of said town.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. The proceedings of the town of Gale, in the county of Trempealeau, and state of Wisconsin, at their several town meetings held as follows, to wit: annual meeting 5th of April, 1864, special meetings August 24th, 1864, December 7th, 1864, and January 11th, 1865, at which taxes were voted to be raised to pay bounties to volunteers, are hereby declared to be legal and valid in all respects and for all purposes. Bounty tax proceedings legalized.

SECTION 2. The acts of the board of supervisors of said town of Gale, in carrying into effect the acts of the town meetings mentioned in the preceding section, and in the disbursement of the tax raised at such meetings, are hereby declared legal and valid for all purposes. Ibid.

SECTION 3. This act shall take effect from and after its passage.

Approved April 10, 1865.

CHAPTER 412.

[*Published May* 27, 1865.]

AN ACT to authorize the common council of the city of Milwaukee to levy a special tax upon the taxable property of the eighth ward of said city.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

$2,000 may be raised.

SECTION 1. The common council of the city of Milwaukee may, at the time of levying other city taxes for the year eighteen hundred and sixty-five, increase the amount to be raised for ward purposes in and for the eighth ward of the city of Milwaukee. The sum to be raised for the purpose above specified, shall be two thousand dollars, such tax to be collected at the same time and in the same manner as other city taxes are collected.

To be applied to construction of sewers.

SECTION 2. The said tax shall be used, applied and appropriated for the sole use and purpose to construct a sewer from the present termination of a sewer in Fifth avenue, in the crossing of Scott street, to connect with the creek in Railroad street; also, to construct a sewer from the present termination of a sewer in Washington street, in the crossing of Fourth avenue, to connect with a sewer in Mineral street, in the crossing of Second avenue, in the eighth ward of the city of Milwaukee.

Tax on lots benefited.

SECTION 3. It shall be lawful for the proper officers of the city to levy and assess upon lots benefited by the building of the sewers mentioned in the second section of this act, such portions of the cost of such sewers as in the judgment of the street commissioners may be just and equitable.

When work may be done.

SECTION 4. Authority is hereby granted to the street commissioners of the eighth ward, to cause the work provided for in this act to be done during the season of 1865, or at any time thereafter.

SECTION 5. This act shall take effect and be in force from and after its passage and publication.

Approved April 10, 1865.

CHAPTER 413.

[*Published May* 31, 1865.]

AN ACT granting to E. Chapin and his associates the right to establish and maintain a ferry across the Wisconsin river.

(*See supplement to local laws.*)

CHAPTER 414.

[*Published May* 29, 1865.]

AN ACT to extend the right of suffrage.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. The right of voting is hereby extended to male persons of African blood, who shall have attained the age of twenty-one years or upwards, with the same qualifications and restrictions now imposed upon other voters in section one of article on suffrage in the constitution. Right of suffrage extended to male persons of African blood.

SECTION 2. This act, before it takes effect, shall be submitted to the people at a general election to be held on the Tuesday next succeeding the first Monday of November, 1865, when, if such majority of votes as is required by the constitution, be cast for it, it shall be of force and effect under the requirements hereinafter prescribed; but if such majority be not cast for it, it shall have no force or effect. Question to be submitted to the people.

SECTION 3. The form of the ballot to be used on this occasion, shall be for the affirmative, "for extension of suffrage," for the negative, "for the extension of suffrage, no," which shall be on the gen- Form of ballots.

eral ballot used at the said election, and deposited in the same box, and all persons qualified by law to vote at any election in this state, shall be deemed voters on this question.

Return of votes.

SECTION 4. These votes shall be counted and returned by the inspectors of the election, in all respects as votes for state officers are counted and returned.

Canvass of votes.

SECTION 5. The officers now designated by law to canvass the returns of votes for state officers, shall canvass the returns on this question, at the same place and under the same regulations and restrictions now provided by law for canvassing and declaring the returns of elections for state officers.

Governor to declare result.

SECTION 6. Within three days after the determination of such canvass, it shall be the duty of the canvassers to certify the result of the said canvass to the governor, who shall, thereupon, without delay, make proclamation of the result, and publish the same, daily and weekly, for two weeks, in all newspapers printed in the state; when, if the result shall be in favor of the extension of suffrage, this act shall immediately after such publication be of force and effect, but if not in favor of it, then this act shall have no force or effect.

This act to be published in every paper in state.

SECTION 7. This act immediately after its passage, shall be published, and at least three months previously to said general election, the secretary of state shall send or cause to be sent a correct copy of it to every newspaper in the state, which newspaper upon publication of the same, shall be entitled to pay for the same out of the state treasury, at the rates paid for other legal advertising.

Approved April 10, 1865.

CHAPTER 415.

[*Published May* 9, 1865.]

AN ACT to amend chapter 404 of the general laws of 1862, entitled "an act to regulate the license and keeping of dogs, and to repeal chapter 175 of the general laws of 1860, entitled 'an act to regulate the license and keeping of dogs.'"

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Lists of persons owning dogs in certain counties, to be made to county treasurers.

SECTION 1. Section one of chapter 404 of the general laws of 1862, is hereby amended, by adding at the end thereof as follows: "And said assessors of the several towns, cities or incorporated villages in the counties of Rock, Columbia, Sheboygan, Fond du Lac, Jefferson, Waukesha, Portage, Ashland, Burnett, Douglas, La Pointe, Dallas, Polk, Green Lake and Juneau, shall also at the same time that they return their assessment for their respective towns, cities and villages to the clerk of the board of county supervisors, return to the county treasurer of the said counties a duplicate copy of the list of persons owning, harboring or keeping dogs liable to be licensed."

Lists to be made out by town, city and village clerks—tax on dogs.

SECTION 2. Section two of said chapter 404, is hereby amended, so that it shall read: "It shall be the duty of the clerk of each town, city or incorporated village, to make out a fair copy of such list as returned by the assessor, and to place a sum equal to two dollars for every male dog, and five dollars for every female dog, in a separate column prepared for that purpose, opposite the respective names of the persons owning, harboring or keeping dogs, and shall deliver the same to the treasurer of his town, city or incorporated village, on or before the second Monday of December, in each year."

Clerks to send county treasurers taxes paid to them, and statements of unpaid taxes.

SECTION 3. Section eight of the said act is hereby amended, by adding at the end of the said section as follows: "And the treasurer of the several towns, cities and incorporated villages in the counties of Rock, Columbia, Sheboygan, Fond du Lac, Jefferson, Waukesha, Portage, Ashland, Burnett, Douglas, La Pointe, Dallas, Polk, Green Lake and Juneau, in this state, shall make a similar statement and affidavit to the county treasurer of their said counties, and shall at the

same time pay over to the said county treasurer all moneys then in his hands collected under and by virtue of this act; and the said county treasurer is hereby required to receive the said money and keep the same as the sheep fund of his said county, and pay out and dispose of the same in the same manner and for the same purposes in the county, as is directed in section nine of the said act to which this is amendatory, for the disposition of the said tax so collected and paid out by the town treasurer."

Money to be paid into the sheep fund.

To whom proofs of sheep killed may be made.

SECTION 4. Section nine of said act is hereby amended, by adding after the word "thereof," in the seventh line of said section, "to the satisfaction of the board of supervisors, mayor, aldermen, the president or trustees of any village, verified by oath or affirmation by one or more disinterested persons; and thereupon the said officers shall draw an order in favor of the owner of said sheep or lambs upon the treasurer of said town, city or incorporated village, for the amount of such loss."

Duty of district attorney to prosecute.

SECTION 5. Section twelve of the said act is hereby amended, by adding at the end thereof as follows: "It shall be the duty of the district attorney in any of the counties in this state, to prosecute any public officer for violation, neglect or evasion of any of the provisions of this act, or the acts to which this is amendatory, upon the application of any tax-paying resident of said county."

Approved April 10, 1865.

CHAPTER 416.

[*Published April* 13, 1865.]

AN ACT to amend chapter 117 of the general laws of 1864, relating to the relief of soldiers' families.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Term "family" defined.

SECTION 1. Section two of chapter 117 of the general laws of 1864, is hereby so amended as to read as follows: "Section 2. The term 'family' or 'families,'

where it occurs in this act, shall be construed to mean the wife living with and actually dependent upon the soldier for support at the time of his enlistment or being drafted; or, having no wife as above, or if the wife shall have deserted his child or children, then his children under fourteen years of age; or, having no wife or children, then his indigent mother actually dependent upon his labor for support, and who actually received the proceeds of the labor of the soldier for her support prior to his enlistment: *provided*, that in no case shall a mother be entitled to extra pay if she has a husband living and residing with her at the date of her application; or, having no wife or children, or indigent mother, then the infirm or indigent father, actually and wholly disabled from supporting himself, and wholly dependent upon the labor of said soldier for support at the time of his enlistment or being drafted. In any case in which the dependence of a parent has been or shall be transferred from the husband to a son, by the death of said husband in service, or from one son, by the death of said son in service, to another son or sons still in service, the said parent or parents shall be entitled to receive the said five dollars per month so long as said parent or parents has or have any son in service upon whom said parent or parents is or are dependent: *provided*, that no one family or person shall be entitled to draw more than five dollars per month under the provisions of this act; *and provided, also*, that nothing in this act shall authorize or require the payment of said extra compensation to be made to any person who has received the extra pay heretofore provided by law, for any time for which such person has heretofore received such extra pay."

Transfer of dependence.

No family entitled to more than $5 per month.

SECTION 2. That section 14 of chapter 117 aforesaid, be amended, by adding thereto the following: "*And provided, further*, that any enlisted man serving in the corps known as Hancock's corps, shall be entitled to the benefits of this act, if he were a resident of the state of Wisconsin at the date of enlistment, and credited to the state of Wisconsin."

Members of Hancock's corps entitled to extra pay.

SECTION 3. Any justice of the peace, court commissioner, or other person, who shall receive, either directly or indirectly, from any person applying for aid from the state, under the provisions of this act and of the act to which this is amendatory, a greater sum than

Penalties.

twenty-five cents for preparing and perfecting all the necessary papers for and obtaining such aid for the person entitled thereto, shall be guilty of a misdemeanor, and upon conviction thereof shall be fined a sum not exceeding one hundred dollars, or by imprisonment in the county jail not exceeding six months, or by both such fine and imprisonment; and justices of the peace shall have concurrent jurisdiction with the circuit courts of this state, of offences mentioned in this section.

Repeal.

SECTION 4. All acts and parts of acts inconsistent with the provisions of this act, are hereby repealed.

SECTION 5. This act shall take effect and be in force from and after its passage and publication.

Approved April 10, 1865.

CHAPTER 417.

[*Published May* 27, 1865.]

AN ACT to authorize and empower Levi D. Thorp to build and maintain a dock and pier extending into Green Bay.

(*See supplement to local laws.*)

CHAPTER 418.

[*Published May* 27, 1865.]

AN ACT to authorize the board of supervisors of the town of Beloit to issue new bonds for the purposes mentioned.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Bonds to amount of $10,000 may be issued in settlement of bridge bonds.

SECTION 1. The board of supervisors of the town of Beloit, in Rock county, are hereby authorized to issue new bonds of such town, not to exceed the sum of ten thousand dollars, for the purpose of satisfying or set-

tling certain bridge bonds issued by the supervisors of said town, under chapter 329 of the laws of 1855.

SECTION 2. Said supervisors of said town are hereby authorized to issue said bonds of such denomination as they may deem proper, bearing interest not to exceed seven per cent., and payable at such time and place as they may deem advisable, not exceeding twenty years from the date of such bonds. Denomination, interest, &c.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved April 10, 1865.

CHAPTER 419.

[*Published May* 27, 1865.]

AN ACT ratifying the organization of a corporation therein named.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. The organization of the Milwaukee and St. Paul railway company, as provided by its articles of association, filed with the secretary of state on the fifth day of May, 1863, is hereby ratified and confirmed, and said company is hereby declared to be a corporation with all the rights, powers, privileges and franchises which were of the Milwaukee and Western railroad company, Milwaukee and Horicon railroad company, and of all that part of the La Crosse and Milwaukee railroad company pertaining to its road lying west of Portage city. Organization of M. and St. P. R. R. confirmed.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved April 10, 1865.

CHAPTER 420.

[*Published May* 27, 1865.]

AN ACT to in relation to highways and bridges, and amendatory of section 64 of chapter 19 of the revised statutes.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Apprisal of damages may be submitted to second jury.

SECTION 1. Section sixty-four (64) of chapter nineteen (19) of the revised statutes, is hereby amended, by adding thereto the following: "And if the jury shall fail to agree, and shall be discharged by the justice in consequence thereof, the justice shall immediately proceed to make another list of fifteen freeholders of his town, and not of kin to the owner or occupant of said lands, and the same proceedings shall be had in striking off or objecting to the persons on such list, as is provided by section 63 of said chapter, and the same precept directed to a constable of the town, shall be issued by such justice, and shall be made returnable in the same manner as therein provided; and at the time and place appointed for the appearing of such second jury, the same proceedings shall be had as is now required by section 64 of said chapter, and the acts amendatory thereof."

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved April 10, 1865.

CHAPTER 421.

[*Published May* 30, 1865.]

AN ACT to authorize the city council of the city of Kenosha to purchase or acquire by deed or gift, additional ground adjoining the present Kenosha cemetery, and to perform certain other acts in relation thereto.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

May purchase grounds for cemetery outside of city.

SECTION 1. It shall be lawful for the city council of the city of Kenosha, in the state of Wisconsin, to

contract for and purchase or acquire by deed or gift, for said city, such additional ground adjoining the present Kenosha cemetery, as may become necessary or expedient, either within or without the limits of the said corporation, and pay for the same out of the general fund, or by the levy and assessment of a special tax for that purpose.

Tax for payment of same.

SECTION 2. Upon the purchase of such additional ground, if the council shall decide to levy a tax to pay for the same, the taxable property of said city shall be assessed therefor, in the manner prescribed by chapter (9) nine of the city charter; and it shall be the duty of the city clerk to prepare a separate column in said assessment headed "cemetery tax;" and the funds derived from such levy shall be appropriated specifically to such payment, and for no other purpose.

Control and jurisdiction over grounds.

SECTION 3. Such additional ground so purchased, contracted for or acquired as aforesaid, shall be subject to all the rules and regulations of the common council now in force relative to the "Kenosha cemetery," and all such as may be made hereafter by said council, and such ground shall be devoted primarily for the purposes of interment, or for ornamental grounds auxiliary thereto; and the jurisdiction of said city council is hereby extended over all such grounds acquired without the city limits, for all the purposes contemplated by this act, and the acts incorporating said city, and the several acts amendatory thereto, in the same manner as if they were included within the boundaries of said corporation.

SECTION 4. This act shall take effect from and after its passage and publication.

Approved April 10, 1865.

CHAPTER 422.

[*Published April* 11, 1865.]

AN ACT to amend chapter 11 of the revised statutes, entitled "of the salaries of state officers and others."

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Salaries of secretary and librarian of state historical society.

SECTION 1. That so much of chapter eleven of the revised statutes, "of salaries of state officers and others," as relates to the salary of the corresponding secretary of the state historical society, is hereby amended, so as to read as follows: "For the salary of the corresponding secretary of the state historical society, six hundred dollars, and for the salary of the librarian of said society, one thousand dollars."

Amendatory of sec. 2, chap. 327, laws 1860.

SECTION 2. This act shall be amendatory to section 2 of chapter 327 of the general laws of 1860, so far as the increased appropriation shall increase the responsibility of the society as the trustee of the state.

SECTION 3. This act shall take effect and be in force from and after April 1st, 1865.

Approved April 10, 1865.

CHAPTER 423.

[*Published April* 14, 1865.]

AN ACT to establish the salary of the assistant state superintendent of public instruction.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Salary of assistant state superintendent.

SECTION 1. The salary of the assistant state superintendent of public instruction, is hereby fixed and established at fifteen hundred dollars per year, to be drawn quarterly in advance from the state treasury, on the warrant of the secretary of state; and there is hereby annually appropriated out of any moneys in state treasury not otherwise appropriated, a sum sufficient to pay said salary.

SECTION 2. All acts and parts of acts inconsistent or conflicting with the provisions of this act, are hereby repealed.

Approved April 10, 1865.

CHAPTER 424.

[*Published May* 22, 1865.]

AN ACT to amend chapter 126 of the general laws of 1860, entitled "an act to authorize the holding of a special term of the circuit court in and for the county of Jefferson."

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. Section one of chapter 126 of the general laws of 1860, is hereby amended, so as to read as follows: "Section 1. A special term of the circuit court in and for the county of Jefferson, shall be holden at the court house, in the village of Jefferson, in said county, on the first Tuesday in June, in each year, to commence at one o'clock on said day: *provided*, that there shall be no grand jury summoned or empanneled for said term, unless ordered by the judge of the circuit court. When so ordered, a grand jury shall be summoned and empanneled, as provided by law in other cases."

Special term.

No grand jury, unless ordered by judge.

SECTION 2. This act shall take effect and be in force from and after its passage.

Approved April 10, 1865.

CHAPTER 425.

[*Published May* 27, 1865.]

AN ACT amending the charter of Evansville seminary, by increasing the number of trustees, and changing the time of the annual meeting of stockholders.

(*See supplement to local laws.*)

CHAPTER 426.

[*Published April* 27, 1865.]

AN ACT to authorize the secretary of state to draw orders upon the state treasurer in favor of Vernon county agricultural society and Columbia county agricultural society, in pursuance of section 5 of chapter fifty-three of the general laws of 1858.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Secretary of state authorized to draw orders on treasurer.

SECTION 1. The secretary of state is hereby authorized and directed to issue his order upon the state treasurer in favor of the Vernon county agricultural society, and also his order, in like manner, in favor of the Columbia county agricultural society, pursuant to section five of chapter fifty-three of the general laws of 1858, in the same manner as though the annual reports of said societies had been received on the first day of February, A. D. 1865: *provided*, said agricultural societies shall previously to the passage of this act, each file with the secretary of state a report, verified by oath of their respective secretaries, that the said societies have held an annual fair or exhibition during the year 1864, and that an amount of not less than one hundred dollars has been received by each of said socities during the year from other sources than from the state.

Proviso.

SECTION 2. This act shall take effect and be in force from and after its passage.

Approved April 10, 1865.

CHAPTER 427.

[*Published May* 27, 1865.]

AN ACT to vacate a certain alley in the city of Beaver Dam.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. The alley running through the center of block number seven (7) of Rose's addition to Beaver Dam, (in the fourth ward of the city of Beaver Dam, Dodge county, Wisconsin,) is hereby vacated. Vacated.

SECTION 2. This act shall take effect and be in force from and after its passage.

Approved April 10, 1865.

CHAPTER 428.

[*Published May* 27, 1865.]

AN ACT to vacate a cemetery in the town of Bangor, La Crosse county.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. The cemetery laid out and platted by John Wheldon, on the southeast quarter of the northeast quarter of section No. (5) five, township No. (16) sixteen, of range No. (5) five west, in the town of Bangor, La Crosse county, and recorded in book of plats on page 56, in the office of register of deeds for said county, is hereby vacated. Vacated.

SECTION 2. This act shall take effect and be in force from and after its passage.

Approved April 10, 1865.

CHAPTER 429.

[*Published May* 27, 1865.]

AN ACT to amend chapter 205 of the private and local [general] laws of 1864, relating to the charter of the Wisconsin central railroad company.

(*See supplement to local laws.*)

CHAPTER 430.

[*Published May* 27, 1865.]

AN ACT to authorize the superintendent of public instruction to apportion school moneys to the town of Kendall, in La Fayette county.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

School moneys to be apportioned to town of Kendall.

SECTION 1. The superintendent of public instruction is hereby authorized and directed to apportion to the town of Kendall, in the county of La Fayette, the full amount of school moneys to which said town would have been entitled the present year, if the annual report of school district number six, of said town, for the year 1864, had been made at the time prescribed by law.

To be apportioned to district No. 6.

SECTION 2. The town clerk of the said town of Kendall, is hereby directed to apportion, for the present year, to district number six, of said town, its full share of all school moneys coming into the hands of the town treasurer, the same as if the annual report of said district for the year 1864, had been received by him at the time fixed by law for making such report.

Approved April 10, 1865.

CHAPTER 431.

[*Published May* 29, 1865.]

AN ACT to authorize the superintendent of public instruction to apportion school moneys to the towns of Genesee and Mukwonago, in the county of Waukesha.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. The superintendent of public instruction is hereby authorized and directed to apportion to the towns of Genesee and Mukwonago, in the county of Waukesha, for the present year, the full amount of school moneys to which said towns would have been entitled, if joint school district number eight, of said towns, had maintained a school during the year 1864, the number of months required by law; and the town clerks of the said towns are hereby directed to apportion to said joint district number eight, its full share of all school moneys coming into the hands of the town treasurers the present year, the same as if the annual report of said district for 1864, had shown that a three months' school had been maintained therein during the year ending at the date of said report.

School moneys to be apportioned to towns of Genesee and Mukwonago.

To be apportioned to joint district No. 8.

SECTION 2. This act shall take effect from and after its passage.

Approved April 10, 1865.

CHAPTER 432.

[*Published May* 27, 1865.]

AN ACT to amend section 28 of chapter 97 of the private and local [general] laws of 1861, entitled "an act to consolidate and amend the act to incorporate the city of Berlin, and the several acts amendatory thereof."

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. Section twenty-eight of chapter ninety-seven of the private and local [general] laws of the

Amendment.

year 1861, entitled "an act to consolidate and amend the act to incorporate the city of Berlin, and the several acts amendatory thereof," is hereby amended, by striking out the following words in the third and fourth lines of said section, to wit: "within eighty rods of the bridge at the foot of Huron and Broadway streets, in said city."

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved April 10, 1865.

CHAPTER 433.

[*Published May 30, 1865.*]

AN ACT to change the St. Croix valley bank to a national banking association.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

May organize under national banking law.

SECTION 1. The St. Croix valley bank, located and doing business in the city of Hudson, is hereby authorized and empowered to change and convert its capital stock or organization into a national banking association, as hereinafter provided, under the general banking laws of the United States, and according to the provisions of the forty-fourth section of the act of congress entitled "an act to provide a national currency, secured by a pledge of United States bonds, and to provide for the circulation and redemption thereof," approved June 3d, 1864.

Assent of owners of two-thirds of stock necessary.

SECTION 2. Whenever the stockholders of said bank owning at least two-thirds of the capital stock thereof, shall give their assent in writing, in due form of law, to change and convert said bank into a national banking association, and such assent having been filed in said bank, it shall and may be lawful for the directors thereof, or a majority of them, to proceed at once to change and convert the same into a national association, with such name and style as they may choose to adopt, and also to perfect the organization of such new association, in pursuance of and in accordance with the

provisions of said act of congress, anything in the laws of this state to the contrary notwithstanding.

When property shall vest in new organization.

SECTION 3. Whenever the organization of such new association shall be complete under and in pursuance of said act or congress, all the property, personal and real, of every kind and description, belonging to the said St. Croix valley bank, shall become and is hereby declared vested in the said national banking association, and the latter shall be deemed in law to be the successor of the former, so far as relates to its legal rights and remedies, and also its liabilities. And from thence and thereafter, the said St. Croix valley bank shall cease to be subject to the laws of this state under which it organized and had its existence, except so far as relates to the redemption of its circulating notes, and they may be retired by the new association in the mode and manner prescribed by the general banking law of the state, and the amendatory acts thereto: *provided, however*, that nothing in this act contained shall be so construed as to release the new association from the payment of the state tax, as now provided by law, until eighty per cent. of the circulating notes outstanding against the said St. Croix valley bank shall have been retired, pursuant to section eleven of chapter seventy-one of the revised statutes, and the acts amendatory thereof.

Notes of old association may be retired by new.

State tax.

SECTION 4. This act shall take effect and be in force from and after its passage and publication.

Approved April 10, 1865.

CHAPTER 434.

[*Published May* 29, 1865.]

AN ACT to change the Merchants' bank to a national banking association.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

May organize under national banking law.

SECTION 1. The Merchants' bank, located and doing business in the city of Milwaukee, county of Milwaukee, and state of Wisconsin, is hereby authorized

and empowered to change and convert its capital stock or organization into a national banking association, as hereinafter provided, under the general banking law of the United States, and according to the provisions of the forty-fourth section of the act of congress entitled "an act to provide a national currency, secured by a pledge of United States bonds, and to provide for the circulation and redemption thereof," approved June 3d, 1864.

Assent of holders of two-thirds of stock necessary.

SECTION 2. Whenever the stockholders of said bank owning at least two-thirds of the capital stock thereof, shall give their assent in writing, in due form of law, to change and convert said bank into a national banking association, and such assent having been filed in said bank, it shall and may be lawful for the directors thereof, or a majority of them, to proceed at once to change and convert the same into a national banking association, with such name and style as they may choose to adopt, and also to perfect the organization of such new association, in pursuance of and in accordance with the provisions of said act of congress, anything in the laws of this state to the contrary notwithstanding.

When property shall ve-t in new association.

SECTION 3. Whenever the organization of such new association shall be complete under and in pursuance of said act of congress, all the property, personal and real, and of every kind and description, belonging to said Merchants' bank, shall become and is hereby declared vested in the said national banking association, and the latter shall be deemed in law to be the successor of the former, so far as relates to its legal rights and remedies, and also its liabilities. And from thence and thereafter, the said Merchants' bank shall cease to be subject to the laws of this state under which it organized and had its existence, except so far as relates to the redemption of its circulating notes, and they may be retired by the new association in the mode and manner prescribed by the general banking law of this state, and the acts amendatory thereof: *provided, however*, that nothing in this act contained shall be so construed as to release the new association from the payment of the state tax, as now provided by law, until eighty per cent. of the circulating notes of said Merchants' bank shall have been ret red, pursuant to section eleven of chapter seventy-one of the revised statutes, and the acts amendatory thereof.

Notes of old association may be retired by new.

State tax.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved April 10, 1865.

CHAPTER 435.

[*Published May* 29, 1865.]

AN ACT to incorporate the Lake Superior mining and smelting company.

(*See supplement to local laws.*)

CHAPTER 436.

[*Published May* 29, 1865.]

AN ACT to incorporate the Calamine mining company.

(*See supplement to local laws.*)

CHAPTER 437.

[*Published May* 30, 1865.]

AN ACT to incorporate the Iron Ridge and Mayville railroad company.

(*See supplement to local laws.*)

CHAPTER 438.

[*Published May* 9, 1865.]

AN ACT to incorporate the Union petroleum and mining company, of Appleton.

(*See supplement to local laws.*)

CHAPTER 439.

[*Published May* 30, 1865.]

AN ACT to incorporate the Lincoln coal and oil company.

(*See supplement to local laws.*)

CHAPTER 440.

[*Published May* 29, 1865.]

AN ACT to incorporate the Milwaukee white lead manufacturing company.

(*See supplement to local laws.*)

CHAPTER 441.

[*Published May* 31, 1865.]

AN ACT to incorporate the Young Men's association of the city of Janesville.

(*See supplement in local laws.*)

CHAPTER 442.

[*Published May* 29, 1865.]

AN ACT to incorporate the Sentinel printing company.

(*See supplement to local laws.*)

CHAPTER 443.

[*Published April* 29, 1865.]

AN ACT to incorporate the Milwaukee printing company.

(*See supplement to local laws.*)

CHAPTER 444.

[*Published May* 29, 1865.]

AN ACT to incorporate the Stiles company.

(*See supplement to local laws.*)

CHAPTER 445.

[*Published May* 30, 1865.]

AN ACT to incorporate the Clinton petroleum company.

(*See supplement to local laws.*)

CHAPTER 446.

[*Published June* 8, 1865.]

AN ACT to incorporate the Western travelers' and casualty insurance company.

(*See supplement to local laws.*)

CHAPTER 447.

[*Published May* 30, 1865.]

AN ACT to incorporate the Washington petroleum company.

(*See supplement to local laws.*)

CHAPTER 448.

[*Published May* 18, 1865.]

AN ACT to incorporate the Milwaukee petroleum company.

(*See supplement to local laws.*)

CHAPTER 449.

[*Published May* 31, 1865.]

AN ACT to incorporate the Bay State iron manufacturing company.

(*See supplement to local laws.*)

CHAPTER 450.

[*Published May* 30, 1865.]

AN ACT to authorize the Farmers' bank of Beaver Dam to reduce its capital stock.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. The "Farmers' bank of Beaver Dam," is hereby authorized to reduce its capital stock to any sum not less than twenty-five thousand dollars, upon filing with the bank comptroller a certificate from the secretary of state, that the said bank has complied with the requirements of subdivision thirteen of an act to amend chapter 479 of the general laws of the state for the year 1852, entitled "an act to authorize the business of banking in the state of Wisconsin," approved May 15th, 1858, and setting forth in said certificate the amount to which such capital stock is to be reduced: *provided*, that said bank shall not be allowed to reduce its capital stock to an amount less than its circulating notes outstanding at the time of the filing of the certificate required in this section; and said bank shall be required to pay to the state treasurer all taxes due to the state on the full amount of its capital up to and including the day on which such certificate is filed with the bank comptroller. Capital stock may be reduced. Proviso.

SECTION 2. The president and cashier of the bank named in section one of this act, shall file in the office of the register of deeds in the county where said bank is located, a certificate, under oath, stating the sum to which the capital stock of said bank is reduced. Certificate to be filed.

SECTION 3. This act shall take effect and be in force from and after its passage.

Approved April 10, 1865.

CHAPTER 451.

[*Published May* 30, 1865.]

AN ACT to reduce the capital stock of the Bank of Madison.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Capital stock may be reduced.

SECTION 1. The Bank of Madison, in the city of Madison, is hereby authorized and permitted to reduce its capital stock to a sum not less than twenty-five thousand dollars, upon filing a certificate with the secretary of state, that said bank has complied with the requirements of subdivision thirteen of an act to amend chapter four hundred and seventy-nine of the general laws of 1852, entitled "an act to authorize the business of banking in the state of Wisconsin," approved May 15th, 1858, and setting forth in said certificate the amount to which said capital stock is reduced: *provided*, that said bank shall not be allowed to reduce its capital stock to an amount less than its circulating notes outstanding at the time of filing said certificate; and said bank shall be required to pay taxes due the state on the full amount of capital up to and including the day on which such certificate is filed.

Proviso.

Certificate to be filed.

SECTION 2. The president and cashier of said bank shall, after the passage of this act, file in the office of the register of deeds in the county where said bank is located, a certificate, under oath, stating the sum to which the capital stock of said bank is reduced.

SECTION 3. This act shall take effect and be in force from and after its publication.

Approved April 10, 1865.

CHAPTER 452.

[*Published May* 31, 1865.]

AN ACT to vacate a part of the plat of the village of Mayville, Dodge county.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. Lots nineteen (19,) twenty (20,) twenty-one (21) and twenty-two (22,) in block twenty-seven (27,) lots eleven (11,) twelve (12,) thirteen (13,) fourteen (14,) fifteen (15) and sixteen (16,) in block twenty-nine (29,) and lots seventeen (17,) eighteen (18,) nineteen (19,) twenty (20,) twenty-one (21) and twenty-two (22,) in block thirty (30,) all in Tower's addition to the village of Mayville, in the county of Dodge, and state of Wisconsin, are hereby vacated: *provided, however*, that such vacation shall not in any wise affect any assessment thereof heretofore made, nor any tax heretofore levied thereon, or levied on any lot, tract or parcel thereof. Vacated.

SECTION 2. The lands upon which said lots have been laid out, shall hereafter be appraised and assessed irrespective of subdivisions into blocks and lots. How lands to be taxed.

SECTION 3. This act is hereby declared a public act, and shall take effect from and after its passage.

Approved April 10, 1865.

CHAPTER 453.

[*Published May* 31, 1865.]

AN ACT to authorize the governor to make and issue a patent for certain lands.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. That the governor of this state be and he is hereby authorized to make and issue a patent to Shurl Maxon, granting the west half of the northeast quarter and the west half the southeast quarter of section seventeen, in township seventeen north, of range May issue patent to Shurl Maxon.

thirteen east, and that said patent when so issued shall have the same force and effect as if the same had been issued on the first day of March, A. D. 1850.

Prior patent null

SECTION 2. That the patent issued to said Shurl Maxon on the first day of March, A. D. 1850, granting the west half of the northeast quarter and the west half of the southeast quarter of section seventeen, in township seventeen north, of range eighteen east, is hereby declared null and void.

SECTION 3. This act shall take effect and be force from and after its passage and publication.

Approved April 10, 1865.

CHAPTER 454.

[*Published May* 31, 1865.]

AN ACT to provide for levying and collecting a state tax for the year 1865.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

$350,000 may be raised.

SECTION 1. There shall be levied and collected for the year 1865, a state tax of three hundred and fifty thousand dollars, or so much thereof as the governor, secretary of state and state treasurer, or a majority of them, may deem necessary to be levied and collected for the estimated expenses of 1866, and for deficiency of 1865, to be apportioned among and assessed upon the several counties of this state, as provided by law; and such tax shall be levied upon the taxable property of the state, real or personal, and collected and paid into the treasury, as provided by law.

Apportionment, &c.

SECTION 2. The secretary of state shall apportion said tax among the several counties of the state, as provided by law, on or before the second Monday of October next, and certify the same to the clerk of the board of supervisors of each of the several counties, as provided by law.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved April 10, 1865.

CHAPTER 455.

[*Published May* 31, 1865.]

AN ACT to amend section one of chapter 314 of the private laws of 1854, entitled "an act to incorporate the Brigham mining company."

(*See supplement to local laws.*)

CHAPTER 456.

[*Published April* 10, 1865.]

AN ACT to amend chapter 182 of the general laws of 1864, entitled "an act to amend section 45 of chapter 10 of the revised statutes, entitled 'of state officers.'"

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. The assistant secretary of state and the assistant state treasurer, shall each receive an annual salary of two thousand dollars, to be paid in the same manner as the salaries of state officers. Salary of ass't sec'y of state and ass't state treasurer.

SECTION 2. There is hereby appropriated annually, out of the general fund, a sum sufficient to carry into effect the provisions of this act. Appropriation.

SECTION 3. Chapter 182 of the general laws of 1864, and all other acts and parts of acts conflicting with the provisions of this act, are hereby repealed. Repeal.

SECTION 4. This act shall take effect and be in force from and after its passage and publication.

Approved April 10, 1865.

CHAPTER 457.

[*Published May* 17, 1865.]

AN ACT to amend chapter 236 of the general laws of 1861, entitled "an act for the government and management of the state reform school, and to repeal chapter 189 of the revised statutes, entitled 'of the house of refuge.'"

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Children under certain ages, convicted of offenses to be confined in state reform school.

SECTION 1. Section one of chapter 236 of the general laws of 1861, is hereby amended, by striking out the word "fourteen," where it occurs in said section, and inserting the word "ten" in lieu thereof, so that said section will read as amended: "The state reform school at Waukesha, in the county of Waukesha, shall be the place of confinement and instruction of all male children under the age of fifteen years, and of all female children under the age of ten years, who shall be legally committed to the state reform school as vagrants, or on conviction for any criminal offense, by any court having competent authority to make such commitment."

Discharge of certain females.

SECTION 2. The board of managers are hereby directed, as soon as practicable, having a proper regard for their safety, to discharge from the state reform school all females who were received after they had attained the age of ten years, and hereafter no female shall be received into said school above the age of ten years: *provided*, that this act does not require said board to discharge any female above the age of ten years, who was received before she had attained the age of ten years.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved April 10, 1865.

CHAPTER 458.

[*Published May* 31, 1865.]

AN ACT to reannex to the town of Greenfield, certain lands.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. That the east half of section one (1,) in township six (6,) of range twenty-one (21,) in Milwaukee county, formerly part of the town of Greenfield, in said county, be and is hereby reannexed to the said town of Greenfield, and made part thereof, and shall no longer be part of the city of Milwaukee. Reannexed.

Approved April 10, 1865.

CHAPTER 459.

[*Published May* 31, 1865.]

AN ACT to amend sections 33 and 34 of chapter 134 of the revised statutes, entitled "of executions, and proceedings supplementary thereto."

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. Section thirty-three of chapter one hundred and thirty-four of the revised statues, is hereby amended, by adding after the word "state," in the third line of said section, the following words: "or of any bank doing business in this state, organized under the laws of the United States." Attachment of shares of bank stock.

SECTION 2. Section thirty-four of said chapter is hereby amended, by adding thereto the following words: "The sheriff or other officer making such sale, shall execute and deliver to the purchaser thereon, duplicate certificates stating the name of such purchaser, and the interest or number of shares by him so purchased, one of which duplicate certificates shall be filed by such purchaser with the clerk, treasurer, cashier or other managing officer of such bank or company, who shall be authorized, and whose duty it shall be, to at once trans- Duty of officer in making sale.

fer to such purchaser the interest or shares so sold, upon the books of such bank or company, or otherwise, as may be in accordance with [the] rules or by-laws of such bank or company."

SECTION 3. This act shall take effect and be in force from and after its passage.

Approved April 10, 1865.

CHAPTER 460.

[*Published May* 31, 1865.]

AN ACT relating to a tract index in Dodge county.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Index of real estate records.

SECTION 1. The register of deeds of Dodge county, and his successors in office, shall index all records of instruments affecting the title to real estate in said county, in accordance with the form of the books provided and now in use for that purpose; and the said register and his successors shall receive for such services heretofore or hereafter rendered, the same compensation that they would be entitled to receive for indexing said records in accordance with chapter 352 of the general laws of 1864, and no more.

Fees.

SECTION 2. This act shall take effect when published.

Approved April 10, 1865.

CHAPTER 461.

[*Published May* 31, 1865.]

AN ACT in relation to chapter 109, general laws of 1863, "an act to authorize the city of Madison to levy a special tax for the year 1863."

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Application of balance of tax.

SECTION 1. The common council of the city of Madison, by a majority vote of all the members of said council, is hereby authorized to appropriate that portion of the two thousand dollars raised by special tax under an act entitled "an act to authorize the city of Madison to levy a special tax for the year 1863," (chapter 109, general laws of 1863,) which was not expended in building the bridge across the Catfish river, near Farwell's mills, as provided by section 3 of chapter 109 of general laws of 1863, to the payment of any part of the bonded indebtedness of said city.

SECTION 2. This act shall take effect and be in force from and after its passage.

Approved April 10, 1865.

CHAPTER 462.

[*Published May* 31, 1865.]

AN ACT to amend an act entitled "an act to incorporate the village of Waupun," approved March 6, 1857, and for other purposes.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Where taxes for the repair, &c. of streets to be expended.

SECTION 1. Section 56 of the act entitled "an act to incorporate the villag of Waupun," approved March 6th, 1857, is hereby amended, so as to read as follows: "All taxes levied and collected by the trustees of said village, for the purpose of repairing, grading and improving roads, streets or alleys in said village, shall be expended within the limits of each ward, respectively,

in which the same shall be assessed and collected, except the highway and poll tax, or any part thereof, may be expended upon the streets running between and dividing the two wards; *and provided, also*, that the bridge within said village shall be erected, maintained and kept in repair at the expense of said corporation; and the trustees may from time to time levy and collect such tax upon the taxable property within said corporation, as may be necessary for that purpose.

Bridge expenses.

Expense of widening streets, &c

SECTION 2. Section two of an act entitled "an act to amend an act to incorporate the village of Waupun," approved March 17th, 1858, is hereby amended, by adding the following thereto: "*Provided*, that the expenses incurred in laying out, extending or widening any street, shall be borne by the ward in which the same is located, and the amount thereof shall be assessed by the trustees upon the taxable property therein."

SECTION 3. This act shall take effect and be in force from and after its passage.

Approved April 10, 1865.

CHAPTER 463.

[*Published April* 21, 1865.]

AN ACT to authorize the common council of the city of Milwaukee to levy a special tax upon the taxable property of the fifth ward of said city.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Special five mill ward tax authorized.

SECTION 1. The common council of the city of Milwaukee may at any time of levying other city taxes for the year 1865, increase the amount now allowed by law to be raised for ward purposes in and for the fifth ward of the city of Milwaukee. The increased sum to be raised for the purposes above specified, may be five mills on the dollar upon all the taxable property in said ward, but shall not exceed the amount above specified; such tax to be collected at the same time and in the same manner as other city taxes are collected.

How appropriated.

SECTION 2. The said tax shall be used, applied and

appropriated for the same uses and purposes as the general ward taxes are used and appropriated.

SECTION 3. This act shall be in force from and after its passage and publication.

Approved April 10, 1865.

CHAPTER 464.

[*Published May* 31, 1865.]

AN ACT to amend chapter 21 of the revised statutes of 1858, relating to the election of regents of the university.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

How regents classed and elected.

SECTION 1. Section four (4) of chapter twenty-one (21) of the revised statutes of 1858, is hereby amended, so as to read as follows: "The members of the board of regents now in office, shall continue to hold their offices, respectively, for the term of six years from the first Monday of January of the year in which they were elected. During the session of the legislature in the year one thousand eight hundred and fifty-nine, and biennially thereafter, there shall be elected by the senate and assembly four (4) members of the board of regents, to supply the vacancies made by the expiration of the terms of office of the members of said board, and they shall hold their offices for six years, respectively, from the first day of May next after their election, and until their successors are elected and qualified."

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved April 10, 1865.

CHAPTER 465.

[*Published April* 14, 1865.]

AN ACT to provide for the establishment of state agencies for the relief and care of sick, wounded and disabled Wisconsin soldiers.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Appropriations for care of sick and wounded soldiers, and for payment of state agents.

SECTION 1. There is hereby set apart and appropriated out of any money in the treasury not otherwise appropriated, the sum of fifteen thousand dollars, which, together with any balance now in the treasury previously appropriated for the care of the sick and wounded soldiers of Wisconsin, and for carrying such sick and wounded soldiers into this state, when the same shall be proper and necessary, shall be paid out and expended upon the order of the governor, in the liquidation of all such claims as shall hereafter accrue by the authority of the governor, in the necessary care of the sick and wounded soldiers of Wisconsin, and for carrying such sick and wounded soldiers into this state, when the same shall be proper and necessary, and in the payment of the salaries of all such agents, clerks and employees as the governor shall deem necessary to look after the interests of Wisconsin soldiers in connection with the various miliatry departments of the United States, and of all such agents and employees as the governor may appoint to look after the welfare and comfort of the sick, wounded and disabled soldiers from this state, in the hospitals and in the field; and the state treasurer is hereby authorized and required to pay, upon the order of the governor of the state, out of any money in the treasury not otherwise appropriated, the sum of fifteen thousand dollars, and the balance aforesaid that may remain unexpended, or so much thereof as shall be so ordered by the governor for the purposes aforesaid, which order or orders of the governor shall be sufficient vouchers for the payment of the said sum, or so much thereof as shall be ordered to be paid out of the treasury as aforesaid, to be charged over to the war fund, and repaid to the treasury from the war fund.

Treasurer to pay orders of governor.

Duty of governor.

SECTION 2. The governor of the state is hereby author-

ized and required to take such measures as he shall deem proper and necessary to care for the sick and wounded soldiers of Wisconsin, now in or hereafter to be in the service of this state or of the United States government, and for carrying such sick and wounded soldiers into this state, when the same shall be proper and necessary, and to employ such agents, clerks and employees as he shall deem necessary to look after the interests of Wisconsin soldiers in connection with the various military departments of the United States, and to look after the welfare and comfort of the sick, wounded and disabled soldiers from this state in the hospitals and in the field, and to pay them such salaries and compensation for their services as he shall deem proper and necessary, and shall prescribe the duties of said agents, clerks and employees, and shall establish such agencies for the care of such sick and wounded soldiers as he shall deem proper; and he is hereby authorized to draw his order or orders upon the state treasurer for such money, not exceeding the sums mentioned in section one of this act in all, as shall be actually necessary to pay any expenses accruing by reason thereof, and to carry out the full intent and meaning of this act.

SECTION 3. This act shall take effect and be in force from and after its passage.

Approved April 10, 1865.

CHAPTER 466.

[*Published May* 30, 1865.]

AN ACT in relation to the city of Milwaukee.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. The common council of the city of Milwaukee are hereby authorized to issue orders to any committee or association of citizens of any ward of said city, who may have paid and advanced bounties to volunteers who have heretofore and since the 19th day of December, 1864, enlisted in the military service of the

Orders may be issued to committees who have advanced bounties to volunteers

United States, and been credited upon the quota of said ward, under the call of the president of the United States for 300,000 men, dated December 19th, 1864, for the amount so paid to said volunteer or volunteers, such advances to be payable out of the fund of one hundred and nineteen thousand dollars authorized to be levied and collected by a vote of the qualified electors of the city of Milwaukee, at an election held February 14th, 1865, pursuant to an act of the legislature of the state of Wisconsin, entitled "an act to authorize towns, cities and incorporated villages to raise money by tax for the payment of bounties to volunteers for the military service of the United States, and to provide for the levy and collection of the same," approved February 2d, 1865: *provided, however*, that no more than two hundred dollars for each volunteer so furnished, shall be allowed or paid.

Limit to bounty.

SECTION 2. This act shall take effect from and after its passage and publication.

Approved April 10, 1865.

CHAPTER 467.

[*Published May* 31, 1865.]

AN ACT to authorize the governor to use the money appropriated for contingent expenses of the year 1864, to pay contingent expenses of the year 1865.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Unexpended appropriation of 1864.

SECTION 1. The governor is hereby authorized to use such portion of the unexpended balance of the sum appropriated to him for contingent expenses of the year 1864, as he may deem necessary, to pay contingent expenses of the year 1865.

SECTION 2. This act shall take effect and be in force from and after its passage.

Approved April 10, 1865.

CHAPTER 468.

[*Published June* 2, 1865.]

AN ACT to incorporate the Dunlieth and St. Croix river shore railroad company.

(*See supplement to local laws.*)

CHAPTER 469.

[*Published May* 31, 1865.]

AN ACT authorizing Caroline Messner, a minor, to convey certain real estate therein described.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. Caroline Messner, a minor, of the age of eighteen years or upwards, of the town of Richfield, in the county of Washington, in this state, is hereby authorized and empowered, in the same manner and with the same effect as though she were of full age, to convey and transfer unto Henry Uhlwelling, or his grantee, by a good and sufficient deed of conveyance, with or without covenants, all her right, title, interest and estate in and to the following described lands and real estate, that is to say: The northwest quarter of the northwest quarter, and the southwest quarter of the northwest quarter of section five (5,) in township number eleven (11) north, of range number eighteen (18) east, in Washington county, Wisconsin. May convey real estate, &c.

SECTION 2. This act is hereby declared to be a public act, and shall take effect and be in force from and after its passage and publication.

Approved April 10, 1865.

CHAPTER 470.

[*Published May* 17, 1866.]

AN ACT to incorporate the Northeast petroleum company.

(*See supplement to local laws.*)

CHAPTER 471.

[*Published May* 22, 1866.]

AN ACT to provide for taking a census or enumeration of the people of this state.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Town, city and village clerks to take enumeration of inhabitants.

SECTION 1. The town clerks of the several towns in this state, under the direction of the clerk of the board of supervisors of their respective counties, are hereby authorized and required to take an enumeration of the inhabitants in their respective towns, omiting, in such enumeration, Indians not entitled to the right of suffrage under the constitution and laws of the state; and in case there shall be no organized town, or shall be no town clerk in any district composing the whole or a part of any county, then and in every such case the clerk of the board of supervisors of the county to which any such district may be attached for judicial purposes, shall appoint one or more assistants, with power to perform the service required of town clerks by this act; and within the limits of any incorporate city or village, not within the jurisdiction of the board of supervisors of the town or towns in which said village is located, the said services shall be performed by the clerk of the corporation, and such clerks are hereby authorized to appoint such assistants as they may find necessary, but no additional compensation shall be allowed by reason of the appointment of such assistants.

Secretary of state to prepare blanks &c.

SECTION 2. The secretary of state shall prepare appropriate forms, distinguishing therein persons of each

sex, deaf and dumb, blind, insane, and persons of color, and shall cause a sufficient number of copies thereof to be printed and transmitted to the several clerks of the boards of supervisors, on or before the first day of May next; and immediately thereafter each of said clerks shall forward the requisite number of such forms to the town clerks and assistants appointed by him, within his county, to enable them to take said census in a uniform manner.

Clerks to take oath—when to make returns to clerks of boards.

SECTION 3. The town, city and village clerks and assistants shall severally take and subscribe an oath previously to entering upon the discharge of the duties imposed by this act, that they will well and truly cause to be made a just and perfect enumeration of all the persons resident within their city, town or division, as the case may be, and a true return thereof make in pursuance of the provisions of this act, according to the best of their ability, which oath shall be returned with the census taken by each person, respectively, to the clerk of the board of supervisors of the county, on or before the first day of July next.

How enumeration to be made.

SECTION 4. The said enumeration shall be made by an actual inquiry, by the person taking such census, at every dwelling, or by personal inquiry of the head of every family, in their respective cities, towns or districts, and shall commence on the first day of June next, and shall be completed and closed in one month thereafter, and said enumeration shall include only those whose places or residence shall be in said cities, towns or districts on the first day of June aforesaid; and the several clerks and assistants shall deliver to the clerk of the board of supervisors a true and accurate enumeration of all persons within their respective cities, towns and districts, which enumeration shall be set forth in schedule, according to the form prescribed by the secretary of state, designating the city, town or district, and shall embrace the several families by the name of the head thereof, and the aggregate population therein.

Statement of bounties to volunteers, &c. to be made to clerks of boards, and by them to be transmitted to sec'y of state.

SECTION 5. The several town, city and village clerks and assistants shall, in addition to the duties required of them by section one of this act, make a correct statement of the amount of moneys raised by tax or by private subscription in their respective districts, for the purpose of paying bounties to volunteers or drafted men, or to aid the families of those who have enlisted

or been drafted into the military service of the United States or of this state, during the present war, setting forth in such statement the amount voted to be raised, and the amount actually collected in each of said towns, cities and incorporated villages, which statement shall be returned with the census taken by each person, respectively, to the clerk of the board of supervisors of the proper county, a copy of which, together with a statement of such sums as may have been raised by tax by the several counties of this state for the purposes aforesaid, shall be by said county clerk transmitted to the secretary of state, with a copy of the census required to be transmitted by section six of this act.

Duplicates of enumeration to be made by clerks of boards, and transmitted to sec'y of state.

SECTION 6. The several clerks of the boards of supervisors shall, on the first day of August, or sooner, if all the returns shall be received by them from the clerks and assistants, prepare duplicate copies of the enumeration of the inhabitants of their respective counties, and transmit one of said copies to the secretary of state, and deliver the other, together with the returns received from the clerks and assistants, to the register of deeds of the county, and the said register shall preserve the same on file in his office.

Fees for taking enumeration.

SECTION 7. The persons appointed to take the said census shall be allowed compensation for the service to be performed in taking the same, as follows: Clerks of incorporated cities and villages shall be paid at the rate of one dollar and fifty cents for every one hundred persons enumerated by them, respectively; town clerks and assistants appointed by the clerks of the boards of supervisors, shall be paid at the rate of three dollars for every one hundred persons enumerated by them, respectively; and in all counties where the population did not exceed five thousand, according to the census of 1860, said town clerks and assistants shall receive the sum of five dollars for every hundred persons enumerated by them, respectively: *provided*, that each clerk of the board of supervisors shall be allowed for making his duplicate copies and return to the secretary of state, ten dollars, in case the schedules returned by him shall contain one thousand persons or less, and three dollars for every one thousand the schedules returned shall contain exceeding that number, which shall be in full for all services required of him under the provisions of this act. The accounts for taking the census, as herein provided

Fees for duplicates.

shall be certified by the clerks of the boards of supervisors, respectively, and shall be paid out of the state treasury.

SECTION 8. Every clerk of the board of supervisors, town clerk or assistant appointee, and who shall have accepted said appointment, who shall neglect or refuse to perform the duties required by him in taking or returning the census, as herein directed, shall forfeit and pay the sum of two hundred and fifty dollars, to be recovered in the manner provided by law for the collection of fines and forfeitures. Penalty for neglect of duty.

SECTION 9. This act shall take effect and be in force from and after its passage.

Approved April 10, 1865.

CHAPTER 472.

[*Published June* 6, 1865.]

AN ACT to amend chapter 170 of the general laws of 1861, entitled "an act to appropriate certain islands in the Wisconsin river, in the county of Wood, to 'the Grand Rapids bridge company,'" and to repeal certain acts.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. Section one of chapter 170 of the general laws of 1861, is hereby amended, so as to read as follows: "The several islands in the Wisconsin river, situate, lying and being in the county of Wood, (*be and the same*) are hereby appropriated to Joseph P. Hasbrouck, J. D. Witter and George A. Neeves, as commissioners, in trust for the Wood county bridge company; and the said commissioners may recognize as correct, and proceed as hereinafter provided, in accordance with the survey of said islands made by O. Garrison, a certificate of which survey was filed in the office of the secretary of state on the thirty-first day of March, 1864." Appropriation of islands—trust commissioners.

SECTION 2. An act approved April 5th, 1862, entitled "an act to amend an act entitled 'an act to grant certain islands in the Wisconsin river, to the Wood Repeal.

county bridge company,' approved April 6th, 1861," and an act approved April 2d, 1863, entitled "an act to amend chapter 170 of the general laws of 1861, entitled 'an act to appropriate certain islands in the Wisconsin river, in the county of Wood, to the Grand Rapids bridge company,' " and all other acts and parts of acts in any wise conflicting with the provisions of this act, are hereby repealed.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved April 10, 1865.

CHAPTER 473.

[*Published April* 13, 1865.]

AN ACT to amend chapter 190 of the general laws of 1859, entitled "an act to regulate insurance companies not incorporated by the state of Wisconsin."

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Amendment.

SECTION 1. Section one of chapter 190 of the general laws of 1859, entitled "an act to regulate insurance companies not incorporated by the state of Wisconsin," as amended by chapter 66 of the general laws of 1862, is hereby amended, by inserting after the words, "Twenty-first. The amount necessary to reinsure all outstanding risks, and to discharge all existing obligations of the company," as follows, to wit: "Twenty-second. The amount of losses paid in the state of Wisconsin during the year next preceding making this report or statement."

Amount of losses paid in Wisconsin.

Any agent may do business in counties where company have deposited certificates.

SECTION 2. Nothing in sections 3 and 6 of said chapter 190, shall be so construed as to prevent one authorized traveling agent of each company, partnership, firm or individual legally authorized to transact the business of insurance in this state, and holding the certificate of the secretary of state, from transacting the said business of insurance in any county of this state where the company, partnership, firm or individual employing such agent shall have deposited a copy

of the statement in the office of the clerk of the circuit court, as provided in section 3 of said chapter 190.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved April 10, 1865.

CHAPTER 474.

[*Published May* 31, 1865.]

AN ACT to amend section one of chapter two hundred and seventy-one of the general laws of 1863, entitled "an act to lay out a state road from Monroe, in Green county, to Gratiot, in La Fayette county."

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. Section one of chapter two hundred and seventy-one of the general laws of 1863, is hereby amended, so as to read as follows: "Charles S. Foster, E. Wescott and D. G. Tuttle are hereby appointed commissioners to lay out and establish a state road from Monroe, in Green county, through lot fifteen, section one, town one, range five east, crossing Spafford branch near its mouth, to Gratriot, in La Fayette county." Commissioners.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved April 10, 1865.

CHAPTER 475.

[*Published May* 31, 1865.]

AN ACT to authorize Jesse Spalding to build, keep and maintain a boom on the Menomonee river, below Chappes' rapids, in the county of Oconto, and state of Wisconsin.

(*See supplement to local laws.*)

CHAPTER 476.

[*Published June* 8, 1865.]

AN ACT to provide for the drainage of swamp and overflowed lands in Waupaca, Outagamie and Shawano counties.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Proceeds of certain swamp lands donated to commissioners for improvement of Wolf river.

SECTION 1. For the purpose of draining the swamp and overflowed lands bordering upon Wolf river, in the counties of Waupaca, Outagamie and Shawano, and improving the navigation of said river, by clearing the channel from snags, sand bars and other obstructions, and the making of cutoffs or canals, and dredging or excavating the same, to shorten distances and straighten the navigable waters thereof, a board of commissioners, consisting of N. H. Emmons, of Portage county, Herman Naber, of Shawano county, M. H. Sessions, Reuben Doud, of Waupaca county, Sam. Ryan, Jr., of Outagamie county, James Sawyer and E. H. Galloway, of Fond du Lac county, W. H. Weed and John Lynch, of Winnebago county, is hereby created, under the restrictions hereinafter mentioned; and for the purposes aforesaid, there is hereby appropriated the proceeds of the swamp and overflowed lands, not exceeding three sections each, in towns twenty-one and twenty-two north, in ranges thirteen and fourteen east, and three sections each in towns twenty-seven, twenty-six and twenty-five north, in ranges fifteen and sixteen east, and two sections each in towns twenty-one and twenty-two north, in ranges fifteen and sixteen east, which may be selected by the commissioners of school and university lands, for the drainage fund: *provided*, that the whole amount of funds so appropriated and set apart, shall not exceed the entire amount of drainage funds of the several townships, respectively, heretofore mentioned.

Limit to appropriation.

Duties and powers of board.

SECTION 2. The said commissioners shall act in trust for the faithful disposition of the funds hereinbefore set apart, and the application thereof to the purposes set forth in section one of this act; and to this end, they shall have full power to devise and adopt plans of survey and construction, and to employ a compent en-

gineer, and to do all the other acts and things necessary to the performance of the trust hereby created, not inconsistent with the laws of this state or of the United States. One of the said commissioners shall be chosen general superintendent at the first meeting of the board, which meeting shall be held in the city of Oshkosh, on the tenth day of July next ensuing, and his compensation shall be fixed by the board of commissioners. Said commissioners shall hold stated meetings, to be by them fixed, and their compensation shall be fixed at three dollars per day for each day actually employed, and ten cents for each mile auctually traveled to and from the place of meeting. The attendance of a majority of them only, shall be necessary at any meeting. They may in their own names institute suits for the recovery of any forfeiture or penalty in any bond and agreement executed to them for the performance of any contract entered into by them pursuant to the provisions of this act, which suits shall be begun and prosecuted in the county where the contract was let, or the bond or agreement entered into: *provided*, that if the contract shall have been let in one county and the bond or agreement executed and acknowledged in another county, the said commissioners may, at their option and convenience, prosecute such suits in either county. While any contractor is engaged in the fulfillment thereof, it shall be unlawful for any individual or company to interfere or obstruct the same, by blocking up the same with rafts, lumber, sawlogs, or in any other manner, and in each and every case of willful obstruction, said contractors shall have the right to recover double amount of damages proven, with costs of suit.

Superintendent.

Meetings.

May institute suits.

Work not to be interfered with.

SECTION 3. The funds in the hands of the several town treasurers of the towns to which this act is made applicable, belonging to the drainage fund, shall be paid over to the general superintendent, in the manner following: Whenever said general superintendent shall certify to any town clerk of the towns to which this act applies, that a certain amount of money has been contracted to be paid for work done pursuant to the provisions of this act, and that such amount is due, said town clerk shall draw an order upon the town treasurer to pay the same out of any money in his hands belonging to the drainage fund, and such order

Town drainage funds to be paid to superintendent.

shall be the voucher of such treasurer in the settlement of his accounts.

Report.

SECTION 4. The said commissioners shall render to the county board of Waupaca county, a full report of their doings at each annual session, and shall publish the same in the counties of Waupaca, Outagamie and Shawano; and when their work shall be completed, a strict and accurate account of all the moneys by them received, and in what manner the same has been expended by them, shall be made to the boards of supervisors of said counties; and the said commissioners shall, before any of the rights and powers herein granted shall vest in them, jointly and severally execute a bond to the state of Wisconsin, with sureties to be approved by the governor, in sums amounting in the aggregate to not less than twenty thousand dollars, conditioned for the faithful performance of their duties as said commissioners, and the faithful application and distribution of all moneys which may come under their control, in accordance with the provisions of this act, which bond shall be filed in the office of the clerk of the board of supervisors of Waupaca county.

Bonds.

Compensation.

SECTION 5. Said commissioners shall not be entitled to any compensation from the state for services performed under this act, nor shall this state be liable for any expenses incurred in carrying out the provisions of this act.

Advertising for proposals.

SECTION 6. Said commissioners shall advertise in some paper or papers printed in the county where they propose to have work done, inviting proposals to do such work, and they shall let the same in parcels to the lowest, best and most responsible bidder or bidders, and shall require ample security for the faithful discharge of each and all such contracts.

Act to be published.

SECTION 7. This act shall take effect and be in force from and after its passage, and shall be published in the weekly newspapers of Waupaca, Outagamie and Shawano counties.

Approved April 10, 1865.

CHAPTER 477.

[*Published May* 17, 1865.]

AN ACT to amend an act entitled "an act to incorporate the Neenah and Manitowoc plankroad company," approved March 10th, 1848, and the several acts amendatory thereof.

(*See supplement to local laws.*)

CHAPTER 478.

[*Published June* 8, 1865.]

AN ACT to authorize the borrowing of money, for a period not exceeding seven months, to repel invasion, suppress insurrection, and defend the state in time of war.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. The governor, secretary of state and state treasurer, or a majority of them, are hereby authorized and directed, in the name and behalf of the people of this state, for the purpose of organizing and bringing into and sustaining in active service the volunteer militia, to repel invasion, suppress insurrection, or defend the state in time of war, to negotiate and contract for a loan or loans for such sum or sums of money as they may deem necessary for the purposes indicated by this act, not exceeding in the aggregate the sum of eight hundred and fifty thousand dollars. They shall issue for the same certificates of indebtedness, bearing interest at a rate not exceeding seven per cent. per annum, payable at the pleasure of the state treasurer, on or before seven months from the date of the said certificates: *provided*, that no certificates of indebtedness authorized by this act, shall be sold at less than par. The proceeds of said loan shall be paid into and constitute a part of the war fund.

Loan to amount of $850,000 may be negotiated.

Certificates of indebtedness to be issued therefor—when payable.

Not to be sold less than par.

To be paid into war fund.

SECTION 2. It shall be the duty of the secretary of state to levy such per centage of taxation on the taxable property of this state in the year 1865, as shall be sufficient to pay the principal and accruing interest on

Tax for interest.

all certificates of indebtedness issued under authority of this act.

Additional tax may be levied.

SECTION 3. It shall also be the duty of the secretary of state to levy such per centage of taxation on the taxable property of this state, in the year 1865, as the governor, secretary of state and state treasurer, or a majority of them, may deem necessary to be levied and collected, in addition to the tax required to be levied under the provisions of section 2 of this act, for the uses and purposes set forth in chapter 117 of the general laws of 1864, and the acts amendatory thereof, which shall be paid into and constitute a part of the war fund: *provided*, that the tax authorized and required to be levied by this act, shall not exceed, in the aggregate, the sum of eight hundred and fifty thousand dollars.

Limit to tax.

Apportionment of tax.

SECTION 4. Such tax or taxes shall be apportioned among the several counties of this state, as provided by law, on or before the second Monday of October next, and the secretary of state shall certify the same to the clerk of the board of supervisors of each of the several counties; and such tax or taxes shall be assessed upon the several counties, and collected and paid into the treasury, as provided by law.

Appropriation.

SECTION 5. There is hereby appropriated out of any money in the state treasury, a sufficient sum to pay the principal and interest of such certificates of indebtedness as may be issued under this act, whenever the same may become due and payable; and if there shall not be a sufficient amount of money in the treasury realized from the special tax levied for that purpose, to pay said principal and interest, the state treasurer shall pay the same from any money in the treasury not otherwise appropriated.

Faith of state pledged.

SECTION 4 [6.] The faith of the state is hereby pledged for the payment of principal and interest of all certificates of indebtedness which may be issued under the provisions of this act.

SECTION 5 [7.] This act shall take effect and be in force from and after its passage.

Approved April 10, 1865.

CHAPTER 479.

[*Published May* 31, 1865.]

AN ACT to provide for the expenditure of certain town money in the town of Saukville, for repairing and building highways and bridges in said town.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. All moneys now in the hands of the treasurer of the town of Saukville, in the county of Ozaukee, which have been paid to such treasurer for licenses to sell spirituous or intoxicating liquors or drinks, shall be expended by the supervisors of said town for the purpose of repairing and building roads and bridges in said town, any provision of law to the contrary notwithstanding. To be expended on roads and bridges.

SECTION 2. This act shall take effect and be in force from and after its passage.

Approved April 10, 1865.

CHAPTER 480.

[*Published June* 2, 1865.]

AN ACT to legalize the acts of a special election held on the 13th day of August, A. D. 1864, in the town of Eagle, Waukesha county, Wis., and authorize the collection of the tax voted at said election.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. The special election held in the town of Eagle, Waukesha county, Wisconsin, on the 13th day of August, A. D. 1864, for the purpose of raising a tax to pay bounties to volunteers enlisting and who were credited to said town, is hereby declared legal and valid for all the purposes for which the same was held; and all acts done in pursuance of the vote of said election, by the officers of said town, or any of them, are hereby declared valid, the same as if the law had been fully complied with in conducting said election. Bounty tax proceedings legalized.

Collection legalized.

SECTION 2. All acts of the officers of said town, in proceeding to collect said tax, are hereby legalized and declared valid.

SECTION 3. This act shall take effect and be in force from and after its passage.

Approved April 10, 1865.

CHAPTER 481.

[*Published May* 31, 1865.]

AN ACT to vacate the village plat known and recorded in the register's office of the county of Walworth, as the seminary addition to the village of Genoa.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Vacated.

SECTION 1. The village plat known and recorded in the register's office of the county of Walworth, as the seminary addition to the village of Genoa, is hereby vacated: *provided, however*, that such vacation shall not in any wise affect or impair any assessment heretofore made, nor any tax heretofore levied thereon, or levied on any lot, tract or parcel thereof.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved April 10, 1865.

CHAPTER 482.

[*Published May* 29, 1865.]

AN ACT to provide for laying out certain state roads in the counties of Ashland and La Pointe, and requiring the county commisioners to audit the accounts as other county expenses.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Commissioners.

SECTION 1. John Banfiel, S. S. Vaughn and A. C. Stuntz are hereby appointed commissioners to lay out

a state road from Bayfield, in La Pointe county, to Ashland, in Ashland county, on the most direct and feasible route. Also, from some point on said route in section 27 or 28, in township 48 north, range 5 west, thence in a southwesterly direction, on the most feasible route, to the Bayfield and St. Paul road, in township 45 north, range 9 west.

Report.

SECTION 2. Said commissioners shall immediately after laying out said road, cause a report of their survey to be made and filed with the clerk of the board of supervisors of each county through which said road passes.

Compensation.

SECTION 3. Such commissioners shall be entitled to one dollar and fifty cents per day each for compensation for such services, and all necessary employees in laying out said road, to be paid the same for each day's service, to be returned by said commissioners, or a majority of them, under oath.

Auditing and payment of accounts.

SECTION 4. The county commissioners of the counties of Ashland and La Pointe are hereby required to audit the accounts of said commissioners and their employees, and pay them in county orders, the same as other county officers are paid, and the accounts so audited are to be added to other county expenses, and collected as county tax in the year 1865.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved April 10, 1865.

CHAPTER 483.

[*Published May* 16, 1865.]

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

AN ACT to authorize the reassessment and collection of certain assessments for street improvements, in the city of Janesville, for the years 1854, 1855, 1856, 1857 and 1858.

Delinquent street assessments of certain years declared valid.

SECTION 1. In all cases in which any work has been done in the city of Janesville, in either of the years 1854, 1855, 1856, 1857 or 1858, in opening, grading,

graveling, planking or paving streets and alleys in said city, or in repairing streets and alleys therein, when said work has been done under or in pursuance of any contract entered into between the said city of Janesville, or any of the officers thereof, with any person or persons, or between the alderman of any of the wards in said city, and any person or persons, or under any supposed contract so entered into, or by direction of any of such officers, and such work has not been paid for, and the same has been assessed or attempted to be assessed in any or either of said years, upon any lot or parcel of land upon which the same was properly chargeable, or might have been properly chargeable, if all of the provisions of the charter of said city, in relation to such work, had been strictly complied with, and after such assessment or attempted assessment, the said work or the assessment therefor upon any lot or parcel of land has not been paid for by the owner of said lot or parcel of land, or by the lot or parcel of land itself, but the same has been returned by the treasurer of said city to the county treasurer of the county of Rock, as delinquent street assessments, and such delinquent street assessments still remain unpaid, such delinquent street assessments, with interest thereon, are and are hereby made and declared to be valid liens, both in law and equity, upon the lot or lots, parcel or parcels of land upon which they were assessed or attempted to be assessed, or would have been properly chargeable, notwithstanding the provisions of the charter of said city in relation to such improvements may not, in all things, have been strictly complied with; and the records remaining in the office of the clerk of the board of supervisors of said county of Rock, are hereby made notice to all persons of such liens.

Notice of lien.

Clerk of board to make a list of such delinquent lands and taxes.

SECTION 2. Within thirty days after the passage of this act, the clerk of the board of supervisors of Rock county, is hereby directed and required to make a list or schedule, containing a description of all lots or parcels of land returned to the treasurer of the county of Rock, by the treasurer of the city of Janesville, for the non-payment of assessments, as are mentioned in the preceding section, in any or either of said years 1854, 1855, 1856, 1857 and 1858, showing, also, in such list or schedule the amount of such assessment upon each lot or parcel of land in each of said years,

including interest at the rate of seven per cent. from the time such tax or assessment was so returned, up to the time of completing such schedule, placing such amount opposite each lot or parcel of land; which list or schedule shall be verified by the affidavit of said clerk of the board of supervisors, to the effect that the same is correct, to the best of his knowledge, information and belief.

Verification of list.

SECTION 3. And such list shall show as nearly as the clerk is able to ascertain the same, the amount of the assessment charged to each piece of land in each year, and the nature, kind and amount of the work done in front of it, or chargeable to it, and the contract price of such work, and the name of the person to whom the work was let, and the name of the person to whom the same was assessed; all which shall be placed in said list opposite such land, in properly designated columns, and such list shall contain a further column for remarks and corrections.

What list to show.

SECTION 4. Upon the completion of said list by him, said clerk shall immediately thereafter publish a notice in some newspaper printed in said city, stating, in substance, that said list has been completed by him, and that it will remain in his office for the inspection of all persons interested, sixty days from the date and first publication of such notice. Said notice shall be so published daily for three successive weeks.

Publication list.

SECTION 5. In case any person interested in any land included in said list, shall complain in writing to said clerk, that the improvement or work in front of such land, or sought to be charged upon it, was not done or made in accordance with the plans and specifications for the same, or in the manner ordered or directed, or that a greater sum is charged in said list to such land for such work or improvement than ought to be so charged, or that such land or some part thereof should be excluded from said list, for the reason that no work was done in front of it, or in front of some part of it, and in case the complaint shall be that the work or improvement was not done in the manner ordered or directed, or in accordance with the plans and specifications, and in consequence thereof was not worth the price charged and sought to be collected, then and in any such case said clerk shall report the same to the commissioner hereinafter named, who shall

Complaints as to injustice of assessments, to be reported to commissioner.

examine, take proof, decide and report in writing as to any and all such complaints.

Commissioner to inquire into matters of such complaints.

SECTION 6. Such commissioner shall first be sworn that he will fairly and impartially examine, decide and report as to the matter of such complaint, and he is hereby fully empowered, for the purposes of such examination, to cause persons, books and papers to be brought before him, to administer oaths and to take testimony, and to hold his sessions from time to time, and to adjourn the same as he may see fit. Said commissioner shall in each case make his decision, and report in writing, and shall file the same with said clerk; and his said report shall in each case be final and conclusive as to the matters therein complained of, and the amount to be assessed on each piece of land. He shall find and report the value of the improvement for which assessments were made, at the time they were made, with seven per cent. interest from that time to the date of his report, and he shall specify the lot or parcel of land to which the same is chargeable: *provided*, that any person so complaining shall deposit with said clerk the sum of three dollars for the fee of said commissioner in each case, and which said clerk shall pay over to him when he shall file his report; *and provided*, that he shall close his sessions and fully report on orbefore the first day of August, 1865.

His report—what to contain.

Fee of commissioner.

When his sessions to close.

Commissioner.

SECTION 7. Harmon S. Conger, Esq., of said city of Janesville, is hereby named and appointed such commissioner, and in case he shall for any cause fail, neglect or be unable to act as such commissioner, then and in such case the county judge of Rock county shall name and appoint some disinterested person to act in his place and stead, which appointment shall be made in writing and filed in the office of said clerk; and the person so named and appointed by said judge, shall have the same power and authority as if named and appointed by this act as such commissioner.

Corrected list to be delivered to county treasurer, and by him published, &c.

SECTION 8. After said commissioner shall have finished his examinations and filed his reports, the said clerk shall, as soon as may be, deliver to the county treasurer of Rock county the said list completed and corrected, so as to correspond with such reports; and the said treasurer, upon the receipt of such list by him, shall, without delay, cause a copy of the same to be published in some newspaper published in the city of

Janesville, for the period of four successive weeks, at least once in each week, with a notice prefixed to said list or schedule, stating, in substance, that the assessments are valid liens, both in law and equity, upon the several lots of land opposite which they are placed in said list or schedule, and that the assessments can be paid and such lien be discharged by payment thereof to him the said county treasurer, at his office, in the city of Janesville, at any time within three months from the date of said notice, including interest at the rate of seven per cent. from the date of said list or schedule, and cost of advertising; and that if said assessments are not paid within such time, the land upon which they remain unpaid, or so much thereof as shall be necessary, will be sold for such non-payment, at his office, in said city of Janesville; such sale commencing on a day in said notice to be specified, which day of commencing to sell shall be within five days after the expiration of the time limited in such notice for making payment of such assessments, and to continue from day to day, Sundays excepted, until such lots or lands are all sold; and all moneys received on such sale shall be paid into the county treasury.

Sale of lands, if assessments and costs are not paid

SECTION 9. It is hereby made the duty of the county treasurer of Rock county, to sell said lands at the time specified in such notice, and in making such sale he shall proceed as near as may be, as he is required to do in selling lands for unpaid and delinquent taxes returned to him by the treasurers of the several towns in said county of Rock. The person or persons at such sale offering to pay the said assessments, interest and cost of advertising and selling on any parcel of land, for the least quantity thereof, shall be the purchaser of such quantity, which shall be designated and described by such person at the time he offers to pay said assessments, interest, cost of advertising and selling; and in case no bid shall be made for the payment of said assessments, interest, cost of advertising and selling, on any lot or parcel of land, for a portion of said lot or parcel, then the whole shall be sold.

Treasurer may require immediate payment, &c.

SECTION 10. The treasurer may, in his discretion, require immediate payment of every person to whom any lot or parcel of land shall be sold; and in all cases where payment is not made within twenty-four hours

after the bid, the said treasurer shall declare said bid canceled, and shall thereupon sell said lot or parcel of land again; and any person so neglecting or refusing to make payment, shall not be entitled to have any bid made by him thereafter received by said treasurer at such sale.

County may bid off lands.

SECTION 11. If any parcel of land cannot be sold for the amount of the assessments, interest and costs of advertising and selling due thereon, the county treasurer shall bid off the same for said county for such amount. All provisions of law now existing in relation to the sale of lands by said county treasurer for unpaid and delinquent taxes, or the redemption of such land from such sales, including the conveyance of such lands by deed in case they are not redeemed, are hereby made applicable to land sold under this act; and all laws in relation to such tax sale, subsequently to the time when they are made, are hereby declared to apply to the lands sold under this act.

Application of statutes.

Lands illegally taxed, not to be sold.

SECTION 12. If the county treasurer shall discover that any lot or parcel of land returned for non-payment of such taxes or special assessment as are mentioned in the first section, could not have been legally taxed or assessed for work done in opening, grading, graveling, planking or paving streets and alleys, or in repairing streets and alleys, under laws existing at the time such streets or alleys were opened, graded, graveled, planked, paved or repaired, and that such lot or parcel of land was never in any way liable to be assessed therefor, then such lot or parcel of land shall not be sold under the provisions of this act. And in any case where two or more lots or parcels of land have been erroneously assessed together for such taxes or special assessments, one or more of which was liable to be so assessed and the other not, the lot or lots so liable shall not in consequence thereof be entered discharged from such assessment, and the owner thereof shall pay, or in case he does not, the same shall be sold for such portion of such aggregate assessment as its real value bears to the aggregate value of both or all of such parcels, which value or values shall be ascertained and determined by said county treasurer, as near as may be, from the assessment roll remaining in the said county treasurer's office, or in the office of the clerk of the board of supervisors of Rock county.

In case of lots erroneously assessed together.

SECTION 13. The owner or owners of any lot or parcel of land, may also call the attention of such county treasurer to any such irregularity as that mentioned in the preceding section, and thereupon it shall be the duty of such treasurer to make the corrections required by the said preceding section. The same correction may also be made by the clerk of the board of supervisors after sale, at any time after sale and before such lands are deeded, but not thereafter. And in case the owner or owners of such land fail to call attention to any such erroneous assessment, or to make complaint, as hereinbefore provided, he or they shall forever be precluded from making any objection to the sale or conveyance of such land on account of such erroneous assessments.

Ibid.

Bar.

SECTION 14. No injunction, injunction order or other process shall be allowed or issued by any court or commissioners in this state to enjoin or restrain the sale of any lands for such assessments, or to enjoin or restrain the execution or recording of any deed executed in pursuance of such sales, or to enjoin or restrain or interfere with any proceedings taken, attempted or threatened to be taken for the collection of the assessments authorized by this act; and in case any such injunction or injunction order or process shall be allowed or issued contrary to the provisions of this act, the same is hereby declared null and void, and not in the least binding upon any officer in the county of Rock, or other officers or persons; and no action or proceedings shall be commenced in any court of this state, or upon any other body, for the purpose of setting aside such taxes or assessments on any lands within the city of Janesville, or to invalidate or set aside any certificate of sale of lands in said city for such taxes or assessments, or any deed given for lands sold for such taxes or assessments, or for the purpose of recovering the possession thereof from any person or persons holding them or in possession of them under such deed, unless the person commencing such action or proceedings shall first pay to the county treasurer or clerk of the board of supervisors the amount of all such assessments remaining unpaid thereon, whether such taxes have been regularly assessed or not, and any action or proceeding commenced without such payment, shall be dismissed; and any person commencing such action or proceedings,

All taxes, &c. must be paid before action can be commenced to restrain sale of lands, or to set aside tax certificates, tax deeds, &c.

shall state in his complaint or papers that such taxes or assessments on such lands have been paid within the time required by law for the payment thereof, or if the payment is made by virtue of this section or this act, he shall state the time, place and amount of such payment, and to whom made; and such complaint or papers shall in all cases be verified by the affidavit of the person instituting such action or proceedings, his agent or attorney, to the effect that the facts therein stated are true, to the best of the knowledge, information and belief of the person making such verification; and if it shall appear upon the trial of any such action or proceedings, that the amount so paid is not the full amount of taxes justly chargeable upon such lands, such action or proceedings shall be dismissed, at the cost of the person instituting such action or proceedings.

Lien on lands bid off by county, &c.

SECTION 15. In case any lot or parcels of land shall be bid in by the said county treasurer for said county, the taxes or assessments shall still continue a lien upon said lot or parcels of land until they are paid; and in cases in which deeds shall be executed to the county, the lien shall still continue until the county shall receive the amount of such taxes or assessments, including all interests and costs, by a sale and conveyance of its interest thereon: *provided*, that nothing in this act contained shall affect or in any way change the liability of the city of Janesville to the county of Rock, if any such liability exist, except so far as the receipt of money by said county or the officers thereof, under this act, may lessen such liability, if any exist.

Liability of city to county.

Fees of officers.

SECTION 16. For any services required of any officer or other person or persons under this act, when no provision is already existing for compensation therefor, the compensation shall be the same, as near as may be, as that provided for similar services. The account for such services shall be presented to the board of supervisors for allowance, and said board shall determine the amount to be paid for the same.

To whom moneys collected to be paid.

SECTION 17. The moneys collected by virtue of this act, shall be paid over by said treasurer to the person or persons or corporation entitled to the same.

Public act.

SECTION 18. This act is hereby declared a public act, and shall take effect and be in force from and after its passage and publication.

Approved April 10, 1865.

CHAPTER 484.

[*Published May* 19, 1865.]

AN ACT to amend section 31 of chapter 112 of the revised statutes, entitled "of guardians and wards."

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. Section thirty-one of chapter one hundred and twelve of the revised statutes is hereby amended, so as to read as follows: "Section 31. Every bond given by a guardian shall be filed and recorded in the probate office of the county court of the county, and in case of any breach of the condition thereof, may be prosecuted in the name of the ward for the use and benefit of such ward, or of any person interested in the estate, whenever the judge of the county court shall direct; and all bonds of guardians heretofore filed or recorded in said probate office of the county court of the proper county, shall be held to be as valid for all purposes as if the same had been filed in the office of the clerk of the circuit court of the county."

Where bond of guardian to be filed, and how and where presented.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved April 10, 1865.

CHAPTER 485.

[*Published May* 30, 1865.]

AN ACT to authorize the Northern Pacific railroad and telegraph company, incorporated by an act of congress entitled "an act granting lands to aid in the construction of a railroad and telegraph line from Lake Superior to Puget's Sound, on the Pacific coast, by the northern route," approved July 2d, 1864, to construct their railroad and telegraph line through the state of Wisconsin.

(*See supplement to local laws.*)

CHAPTER 486.

[*Published May* 17, 1865.]

AN ACT to incorporate the National marine and fire insurance company, of Milwaukee.

(*See supplement to local laws.*)

CHAPTER 487.

[*Published May* 31, 1865.]

AN ACT to incorporate the Northwestern mining and manufacturing company.

(*See supplement to local laws.*)

CHAPTER 488.

[*Published May* 30, 1865.]

AN ACT to amend the act to incorporate the village of Elkhorn, and the acts amendatory thereof.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Repairs to sidewalks.

SECTION 1. The act entitled "an act to incorporate the village of Elkhorn," is hereby amended, so that when in the opinion of the supervisors or street commissioner of said village, any sidewalk in said village shall need repairing, it shall be the duty of said commissioner to cause said sidewalk to be repaired; and the expense of such repair shall be a charge upon the lot or lots in front of which said sidewalk is repaired, and the expenses of such repair shall be levied and collected by a special tax upon the said lot or lots, in the same manner as the expenses of constructing said sidewalk are now levied and collected by law: *provided, however*, the owner or owners of said lot or lots may

make such repairs, after notice from the supervisor or street commissioner that such repairs are needed, within the time limited in said notice.

SECTION 2. So much of section 4 of chapter 133 of the private and local laws of 1858, as conflicts with this act, is hereby repealed. Repeal.

SECTION 3. This act shall take effect from and after its passage.

Approved April 10, 1865.

CHAPTER 489.

[*Published May* 17, 1865.]

AN ACT to authorize the conversion of state banks to national banking associations.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. Any bank or banking association organized and doing business under the laws of the state of Wisconsin, is hereby authorized and empowered to change and convert its capital stock or organization into a national banking association, as hereinafter provided, under the general banking laws of the United States, and according to the forty-fourth section of the act of congress entitled "an act to provide a national currency, secured by a pledge of United States bonds, and to provide for the circulation and redemption thereof," approved June 8d, 1864. State banks may organize under national banking law.

SECTION 2. Whenever the stockholders of any bank or banking association organized and doing business under the laws of this state, owning at least two-thirds of the capital stock thereof, shall give their assent in writing, in due form of law, to change and convert such bank into a national banking association, and such assent having been filed in said bank, it shall and may be lawful for the directors thereof, or a majority of them, to proceed at once to change and convert the same into a national banking association, with such name as they may choose to adopt, and also to perfect the organization of such new association, in pursuance Assent of owners of two-thirds of stock necessary.

of and in accordance with the provisions of said act of congress, anything in the laws of this state to the contrary notwithstanding.

When property shall vest in new organization.

SECTION 3. Whenever the organization of such new association shall be complete under and in pursuance of said act of congress, all the property, personal and real, and of every kind and description, belonging to such state bank or banking association, shall become, and the same is hereby declared vested in the said national banking association, and the latter shall be deemed in law the successor of the former, so far as relates to its legal rights and remedies, and also its liabilities. And from thence and thereafter, the said state bank or banking association shall cease to be subject to the laws of this state under which it organized and had its existence, except so far as relates to the redemption of its circulating notes, and they may be retired by the new association in the mode and manner prescribed by the general banking law of this state, and the acts amendatory thereto: *provided, however*, that nothing in this act contained shall be so construed as to relieve such new banking association from the payment of the state tax, as now provided by law, until eighty per cent. of the circulating notes of the state bank or banking association which such new banking association succeeds, shall have been retired, pursuant to section eleven of chapter seventy-one of the revised statutes, and the acts amendatory thereof.

Notes of old association may be retired by new.

State tax.

SECTION 4. This act shall take effect and be in force from and after its passage and publication.

Approved April 10, 1865.

CHAPTER 490.

[*Published May* 30, 1865.]

AN ACT establishing the terms of the circuit court of the county of Winnebago.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

General terms.

SECTION 1. There shall be four general terms of the circuit court in and for the county of Winnebago, in

each year, to be held as follows: On the second Mondays of April, September, December and February, in each year. No grand jury shall be drawn or summoned for the December term, unless ordered by the judge thereof, and no grand or petit jury shall be drawn or summoned for the February term.

SECTION 2. There shall be a special term of the circuit court in and for the county of Winnebago, on the the first Monday of June, A. D. 1865, for the transaction of all such business as may be heard and disposed of without the intervention of a jury. No grand or petit jury shall be drawn or summoned for said special term, and no notice of the holding of the same shall be required. Special term—no jury, &c.

SECTION 3. All acts and parts of acts conflicting with or contravening any of the provisions of this act, are hereby repealed, so far as they conflict with or contravene the provisions of this act. Repeal.

SECTION 4. This act shall take effect and be in force from and after its passage and publication.

Approved April 10, 1865.

CHAPTER 491.

[*Published May* 9, 1865.]

AN ACT to confer jurisdiction on the county court of Outagamie county.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. There is hereby conferred upon the county court of Outagamie county, jurisdiction in all civil actions, equal to and commensurate with the circuit court, for all sums not exceeding five hundred dollars. And the said county court shall have and may exercise the same powers and jurisdiction, within the county of Outagamie, as is now exercised by the circuit court in and for said county, in civil actions, within the above mentioned limits; and it is herein expressly provided and understood that the jurisdiction, in civil act- Nature and extent of jurisdiction conferred.

ions, herein conferred on the said county court, shall include (subject to the above jurisdiction as to the amount,) the following actions and proceedings, viz.: "Of proceedings against debtors by attachments;" also, "of the lien of mechanics and others;" also, "of claim and delivery of personal property," heretofore known as the action of replevin; and also, "proceedings for the collection of demands against ships, boats and vessels:" *provided*, that the said county court shall not have jurisdiction in actions of ejectment, mandamus or *quo warranto*.

Limitation.

Appeals from justices to be taken to county court.

SECTION 2. From and after the taking of effect of this act, all appeals in civil actions from justices of the peace of said Outagamie county, or from any judgment rendered by or recovered before any justice of the peace in said county, shall be taken to the county court of said Outagamie county, instead of the circuit court of said county, as now provided by law; and the like proceedings therein shall be had in said county court, and such appeals shall be tried and determined therein in the same manner as is by law required in the circuit court; and all laws providing for taking appeals in civil actions from justices of the peace or justices' courts of said county, to the circuit court thereof, shall from thenceforth be construed to mean and read to the said county court, so far as the said county court of Outagamie is concerned.

Proceedings same as in circuit court.

County court shall be a court of record.

SECTION 3. The said county court shall be a court of record, with a clerk and seal, and shall have full power and authority to issue all legal process proper and necessary to carry into effect the jurisdiction given to it by this act and the laws of this state; and to carry out such jurisdiction, shall have and exercise all the powers usually possessed by courts of record under the common law and in equity, under the regulations imposed by statute.

Clerk of circuit court to be clerk of county court—his duties and fees.

SECTION 4. The clerk of the circuit court of said county, shall be the clerk of said county court, and shall have the care and custody of all the books and papers belonging to said county court, (except those that appertain to the probate jurisdiction thereof,) and shall perform the duties of clerk of said county court, in the same manner as is now by law required of him as clerk of the circuit court, so far it shall be requisite and necessary to discharge the necessary duties as clerk

of said county court, and to carry into effect the provisions of this act. And the said clerk of the county court shall keep all necessary records of the proceedings and judgments had in said county court, in like manner as is now provided in the circuit court in all civil proceedings; and his fees and compensation therefor, shall be the same as are now or may hereafter be provided by law for the fees and compensation of the clerk of the circuit court, except as hereinafter limited or provided.

Deputy clerk.

SECTION 5. The deputy now authorized by law to be appointed by the clerk of the circuit court of said county, shall also be deputy clerk of said county court, and shall in like cases and in like manner as he is now authorized by law to perform the duties of clerk of the circuit court, he is hereby authorized and empowered to perform and discharge the duties of the clerk of said county court.

Authority to issue writs and process.

SECTION 6. Said county court shall have like power to issue all necessary and proper writs in all civil actions or proceedings, as is now possessed or hereafter may be possessed by the circuit courts of this state, and the same proceeding shall be had by parties to procure such writs, as in the circuit courts of this state, and shall be issued, executed and returned in the same manner and with like effect as in the circuit courts.

Application of statutes.

SECTION 7. All the general provisions of the statutes of Wisconsin, and of all general laws which now exist or may hereafter exist, relating to the proceedings in civil actions in the circuit courts of this state, and to the powers and duties of courts of record, shall apply, in like manner and with like effect, to said county court, as to said circuit courts; and the judge of said county court shall have power to punish for contempts, in the same manner that the judges of the circuit courts are or may be authorized by law to punish for contempts. The rules and practice of said county court shall be the same as in the circuit courts of this state, as they may exist or as shall hereafter be provided for said circuit courts in civil actions.

Power of judge.

Rules and practice.

Seal.

SECTION 8. The county court of Outagamie county shall continue to use the present seal of said court: *provided*, that whenever it shall be necessary, the judge

of said court may procure, at the expense of the county, a new seal for said court.

Books, blanks, &c.

SECTION 9. The county of Outagamie shall provide all books, blanks and stationery necessary for keeping the records and proceedings of said county court, made necessary by this act.

Writs of error and appeal.

SECTION 10. Parties to all civil actions in said county court, shall have the same rights to writs of error and appeal from said county court to the supreme court of this state, as now are allowed by law from the circuit courts of this state, or may hereafter be allowed by law.

Review of cases by supreme court

SECTION 11. Causes removed from the county court to the supreme court, and the decisions and judgments of said county court, may be reviewed by the supreme court in the same manner that causes removed from circuit courts are reviewed by the supreme court; and the supreme court shall have the same power over such causes and judgments, as it has over causes and judgments of the circuit court.

Bill of exceptions—summons in circuit court.

SECTION 12. The party or attorney in a cause in said county court, may demand and shall be entitled to receive of the judge of said county court, a bill of exceptions or case, and have the same settled in the same manner and under the same restrictions as in the circuit court, and the same shall be heard or settled within the same time as now required or may hereafter be required in the circuit court, by law or the rules and practice of said circuit court.

Judgment may be had in vacation.

SECTION 13. Judgment may be had and entered in vacation in said county court, (subject to the limitations of the jurisdiction of said court,) if the defendant fail to answer the complaint, in the same manner and in like cases wherein judgment may now be had and entered in the circuit court in vacation.

Terms of court.

SECTION 14. There shall be held at the county seat of said Outagamie county, four terms of said court in each year, viz.: On the first Monday of March, the fourth Monday of May, the first Monday of October, and the first Monday in January, in each year.

In case of absence of judge.

SECTION 15. If the judge authorized to hold such court, shall not attend for that purpose, before four o'clock in the afternoon on the day appointed for such court to meet, it shall be the duty of the sheriff or clerk to adjourn said court form day to day, for three

days, unless the judge shall sooner appear, and if the judge does not appear at that time, the court shall stand adjourned for the term, and all cases continued until the next regular term of such court.

Limitations authority judge.

SECTION 16. No judge of said county court shall have power to try and determine any cause in which he shall have acted as council for either party, except by agreement of parties; and all such cases he shall transmit to the circuit court of the said county, and the circuit court shall thereupon proceed to try and determine the same in the same manner and order as if they had originated in the circuit court.

Change of venue.

SECTION 17. In all cases where a change of venue is allowed for the reason of interest or prejudice upon the part of the county judge, the cause shall not be remitted to another county, but shall be removed to the circuit court of the same county.

Tax on suits.

SECTION 18. On each civil suit commenced in or appealed to said county court, there shall be paid a county tax of one dollar, to be paid as follows: On each suit commenced in said court, to be paid to the clerk of court, at the time of the commencement thereof; on all suits appealed to said court from a justice of the peace, to be paid to the justice from whom such appeal is taken, at the time now required by law for the payment of the state tax on such suits appealed to the circuit courts, and shall be in lieu of such state tax. The justice shall forward such county tax to the clerk of the court, at the time he makes his return to the appeal. The clerk of the county court shall, on the first Mondays in January, May and September, in each year, make a return, under oath, to the county treasurer of such county, of the amount of money by him received for such county tax, since the date of his last return, and also a list of the suits commenced in or appealed to said court since his last return, and shall, at the time of making such return, pay over to said treasurer all money which shall be due from him to the county for such county tax on suits by him received. The aforesaid county tax collected on such suits, shall form a separate fund, to be applied to the payment of the salary of the judge of said county court.

Clerk to make return of tax.

Application of tax.

Costs.

SECTION 19. Costs shall be recovered and taxed in said county court, (to be taxed by the clerk or judge thereof,) in the same manner and to the same extent

as in the circuit court, except as herein otherwise provided or limited; and whenever any party in any action in said court, shall be entitled to recover costs, he shall be entitled to have taxed in his bill of costs, in addition to his other costs, all moneys by him paid or incurred in such action, for county tax, judge's fees, jury fees, and sheriff fees for making list of jurors and serving same in such action.

Salary.

SECTION 20. The said county judge shall receive a salary of five hundred dollars per annum, to be paid quarterly, out of the county treasury. There shall be paid in all actions which may be commenced in said court, or appealed thereto, the following fees, as a tax, in addition to the county tax heretofore required to be paid, viz.:

Fees.

In any amicable suit, where judgment is confirmed upon the first appearance of the parties, and in actions wherever judgment is entered in vacation, in default of answer, one dollar, to be paid before entry of judgment. In action wherein final judgment is entered upon on an issue of law, one dollar and fifty cents, to be paid before the entry of judgment. In all actions discontinued before issue joined, fifty cents; after issue joined, and before trial, one dollar; if by order of court, one dollar and fifty cents. In appeal suits dismissed, one dollar, to be paid in advance. In all actions wherein judgment is entered in term time, in default of answer or demurrer, one dollar and fifty cents, to be paid before entry of judgment. In all actions wherein issue of fact is tried by the court or by jury, including rendition of judgment, and receiving and entering judgment, two dollars. The fees mentioned in this section, in actions wherein an issue of fact is tried by the court or a jury, shall be paid at or before such cause is reached for trial; and if it be in a cause commenced in said court, such fees shall be paid by the plaintiff, and if an appealed case from a justice of the peace, by the appellant.

In case of neglect to pay fees.

And if any party upon whom it devolves to pay the fees required by the provisions of this section, shall fail or neglect to pay such fees at the time herein required, the court may, if it be a suit commenced in said court, render judgment, as in the case of non-suit, against the plaintiff therein. If the case be an appeal from a justice of the peace, the court may dismiss the appeal therein, and render judgment in said court against the appellant for the costs therein, in said court,

on appeal. All the fees mentioned in this section, shall be paid to the clerk of the court, and when so collected, shall be paid quarterly into the county treasury, and the same shall constitute a separate fund, to be applied toward the payment of the salary of the county judge.

Application of fees.

SECTION 21. If an issue of law be made in any cause in said court, or an issue of fact in any action heretofore cognizable only in a court of equity, the same shall be tried by the court. If an issue of fact properly triable by a jury, and not heretofore cognizable only in a court of equity, it shall, on demand of either party, as hereinafter provided, be tried by a jury of not less than twelve persons, (unless a less number be agreed upon by the parties,) and if no jury be demanded by either party, the issues shall be tried by the court: *provided*, that nothing herein contained shall prohibit the trial of a case by a jury, properly triable by a jury, for the reason that an equitable defense is set up. If an inquest or assessment is necessary to be had or taken in any cause in said court, the same shall be had or taken by the court, except that in such cases wherein an inquest or assessment of damages according to law, or the rules and practices of the circuit court, has heretofore been required to be had or taken by a jury, either party may demand an inquest or assessment of damages by a jury; and upon such demand being made, the inquest or assessment of damages in such cases shall be had or taken by a jury; and in any action arising on contract for the recovery of money only, where the defendant has failed to answer the complaint, the clerk of the court may assess the damages therein, or ascertain the amount due the plaintiff therein; *and provided, further*, that the clerk of said court shall have the same authority and power to assess damages or ascertain the amount due, in like cases and in the same manner as he is authorized and empowered to do in the circuit courts of this state, and shall have, generally, the same power and authority and duties in all cases in said county court, as he has now by law or otherwise in cases in the circuit court.

Issues to be tried by court.

Issues to be tried by jury.

Jury may be demanded in certain cases.

Powers of clerk same as in circuit court.

SECTION 22. The demand for a jury shall be accompanied by the payment into court the fees for a jury, which fees shall be fifty cents for each juror. On such demand, the court shall direct the sheriff of said Outagamie county, his under sheriff, or any of his deputies, or

Demand for jury to be accompanied by fees—proceedings in selection of jury.

the clerk of said county court, to write down or make a list of the names of twenty-four persons, (unless the parties shall agree upon a jury of six or less, as hereinafter provided,) residents of the county of Outagamie, with the qualifications necessary to be a juror in the circuit court, and not of kin to either party, or in any manner interested in the cause. The list being made, the parties shall each, alternately, strike out a name, (the plaintiff commencing,) until the requisite number be left: *provided, however*, that if the parties shall agree to try any cause by a jury of six or less, then such officer making such list shall write down the names of three times the number of persons (with the qualifications aforesaid) agreed upon for a jury, and thereupon, as aforesaid, the parties shall each, alternately, strike out a name, until the number agreed upon for a jury shall be left; and if either party in any action in said court, (after a list shall be made out as provided in this section,) shall refuse or neglect to strike out on his part, the clerk of said court, or the judge thereof, shall strike out in his stead; and when a jury shall have been selected, as aforesaid, or otherwise agreed upon, a venire may then be issued by the court or the clerk of the court, for the jurors thus selected or agreed upon, and delivered to the sheriff of said county, his under-sheriff or any of his deputies, who shall forthwith proceed to summon the jury therein named. If any of the jurors named in such venire shall not be found, or shall fail to appear, according to the summons, or if there shall be any legal objections to any that shall appear, or if any of them be excused by the court or the parties, the court shall direct the officer to summon a sufficient number of talesmen to supply the deficiency; but in all cases the parties may agree upon any number of persons to try the cause. The demand for a jury for the trial of any issue or for taking an inquest, or the assessment of damages, in any cause in said court, (in a cause in which a party is entitled to a jury,) may be made at any time before the commencement of the trial of such issue, or the taking of an inquest, or the assessment of damages, and may be either oral or in writing.

In case of jury of six or less.

In case jurors fail to appear.

When and how demand for jury may be made.

Duty of sheriff—his compensation

SECTION 23. The sheriff of said county, in person or by his under-sheriff or deputies, shall attend said

county court, when actually in session for the transaction of business other than probate business; and he shall be entitled to receive therefor the same compensation, payable in like manner, as is or may be provided by law for like services in the circuit court.

Fees of clerk of county court.

SECTION 24. The fees of the clerk of the county court, in any one cause, shall not exceed the following sums: In cases settled or discontinued before answer, one dollar and fifty cents; in cases settled or discontinued after answer, and before the cause has been put upon the calendar, two dollars and fifty cents; in cases settled after answer, and when cause has been put upon the calandar, three dollars and fifty cents; in cases where judgment is entered without application to court, two dollars and fifty cents; in cases where no answer is filed, and judgment can be entered only upon application to court, and judgment is entered upon such application, four dollars and fifty cents; in cases where judgment might be entered in vacation, but is entered in term time, upon application to court or otherwise, three dollars in cases where an answer has been filed, and the same is tried by court, six dollars; in cases where an answer has been filed and tried by a jury, eight dollars; in all appeal cases where the same is tried upon return of justice, three dollars; in all appeal cases which are dismissed without trial, three dollars; in all other appeal cases, six dollars.

SECTION 25. This act shall take effect and be in force from and after its passage and publication.

Approved April 10, 1865.

CHAPTER 492.

[*Published May* 31, 1865.]

AN ACT to legalize the acts of the town of Fort Winnebago, in the county of Columbia, in filling her quotas.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Bounty tax proceedings legalized.

SECTION 1. All the proceedings of two special town meetings, held in the town of Fort Winnebago, in the

county of Columbia, October 11th, 1864, and January 14th, 1865, for the purpose of filling the quotas of said town under the last two calls of the president of the United States for volunteers, in voting to raise money by taxation, and in directing the disbursement of the same, all the acts of the officers or other agents of said town, in carrying out the instructions of said special town meetings, and all orders issued in pursuance of the instructions of said meetings, and for the purpose above specified, are hereby declared legal and valid, notwithstanding any irregularity or want of compliance with law there might have been in the manner of conducting said meetings: *provided*, that nothing herein contained shall authorize the payment of more than two hundred dollars for each credit furnished said town.

Limit to bounty.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved April 10, 1865.

CHAPTER 493.

[*Published May* 30, 1865.]

AN ACT for the preservation of fish in Beaver lake, or Beaver Dam pond, in Dodge county, Wisconsin.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Fishing with seine, net, &c. prohibited.

SECTION 1. No person or persons shall place, set, draw or use any seine, net, pound, gill-net, spear or any other device other than hook and line, in the waters of Beaver lake, or Beaver Dam pond, in Dodge county, Wisconsin, for the purpose of taking or catching fish therein; and any person or persons who shall violate any of the foregoing provisions of this section, shall, on conviction thereof, be subject to a fine for each and every offense thereof, of not less than twenty nor more than one hundred dollars, together with the costs of suit.

Jurisdiction of justices.

SECTION 2. Justices of the peace shall have jurisdiction to hear, try and determine all cases arising un-

der the provisions of this act: *provided*, that the defendant shall not be deprived of his right of trial by jury, nor of his right of appeal, as in other cases.

SECTION 3. All the provisions of section twenty-four (24) of chapter one hundred and eighty-three (183) of the revised statutes of this state, shall apply and be in full force and effect in the construction and enforcement of this act. Application of statutes.

SECTION 5 [4.] This act shall take effect and be in force from and after its passage.

Approved April 10, 1865.

CHAPTER 494.

[*Published May* 17, 1865.]

AN ACT to amend chapter 15 of the revised statutes, entitled "of towns and town officers."

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. Whenever there shall be a vacancy in the office of justice of the peace, or when the incumbent shall from any cause be permanently unable to perform the duties of his office, the town board of supervisors may make temporary appointments of suitable persons to discharge the duties of such office, and such person so appointed shall take and file the oath of office with his bond, as now required by law, and shall discharge the duties thereof until the same is filled by election. Vacancy in office of justice, may be filled by town board.

SECTION 2. All acts or parts of acts contravening the provisions of this act, are hereby repealed. Repealed.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved April 10, 1865.

CHAPTER 495.

[*Published May* 31, 1865.]

AN ACT to amend the St. Croix and Lake Superior railroad company's charter.

(*See supplement to local laws.*)

CHAPTER 496.

[*Published May* 31, 1865.]

AN ACT to legalize a special election to vote bounties to volunteers, held in the town of Sullivan, county of Jefferson, on the 22d February, 1865.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Bounty tax proceedings legalized.

SECTION 1. All the proceedings had prior to and at a special election, held in the town of Sullivan, Jefferson county, on the 22d day of February, 1865, for the purpose of voting a tax in said town to pay bounties to volunteers, are hereby declared to be as valid and binding upon said town, as though said meeting had been held upon some other day, and the forms of law had been fully complied with in calling and conducting the same. Nothing herein contained shall be so construed as to authorize the payment of more than two hundred dollars to any volunteer, or person providing himself with a substitute.

Limit to bounty.

SECTION 2. This act shall take effect and be in force from and after its passage.

Approved April 10, 1865.

CHAPTER 497.

[*Published May* 18, 1865.]

AN ACT to incorporate the Badger oil working company.

(*See supplement to local laws.*)

CHAPTER 498.

[*Published June* 8, 1865.]

AN ACT to incorporate the Wisconsin and Illinois mining company.

(*See supplement to local laws.*)

CHAPTER 499.

[*Published May* 31, 1865.]

AN ACT to legalize a public highway in the town of Beloit, in the county of Rock.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. The acts of the supervisors of the town of Beloit, Rock county, on the 30th day of May, A. D. 1854, in laying out a highway in said town, described as follows: Commencing at a point on the Beloit and Janesville road, on the east side of Rock river, where the quarter line of section twenty-three (23) crosses said road, thence running east on said quarter line to the quarter stake or post between sections twenty-three (23) and twenty-four (24,) thence east on the quarter line through section twenty-four (24) to the town line road leading from Beloit to Janesville, are hereby legalized and declared to be valid, and the said highway is hereby declared to be a legal highway. Highway legalized.

SECTION 2. This act shall take effect and be in force from and after its passage.

Approved April 10, 1865.

CHAPTER 500.

[*Published June 2, 1865.*]

AN ACT to appropriate to the town of Stockbridge certain land for school purposes.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Appropriation of lot No. 383.

SECTION 1. There is hereby appropriated to the town of Stockbridge, Calumet county, to aid in the erection of school houses in the various school districts in said town, lot number three hundred and eighty-three, in said town of Stockbridge.

Lot may be divided and sold.

SECTION 2. The board of supervisors of said town shall have power to divide said lot into such subdivisions as in their judgment may seem best, and they are hereby empowered to sell said lot or lots, and to execute to the purchaser thereof deeds of conveyance in fee simple: *provided*, that nothing in this act shall be construed so as to affect any legal light or claim which any person may have acquired to said lot, or any part thereof.

Proviso.

Notice of sale—proceeds to be paid into town treasury.

SECTION 3. The board of supervisors of said town shall sell said lot, or any subdivision thereof, to the highest bidder, after giving public notice of said sale, by advertising for three weeks in a newspaper printed in said county, and shall cause the money to be paid into the town treasury, for which money so paid the treasurer shall give the person paying the same a receipt, which will entitle the holder to a deed, as provided in section two of this act.

Moneys to be apportioned to school districts, &c,

SECTION 4. The town treasurer shall pay to the several school districts in the town, all the money so received, in proportion to the number of scholars in the several districts; and the treasurer shall in his annual settlement with the board, render an account of his doings, and should he not give a satisfactory account of

all the money received under the provisions of this act, the official bond of said treasurer shall be held responsible for any deficiency which may exist.

SECTION 5. The board of supervisors shall charge to the general fund of the town, all necessary expenses incurred in carrying out this act. Expenses.

Approved April 10, 1865.

CHAPTER 501.

[*Published May* 31, 1865.]

AN ACT to enable the town of Brooklyn, in the county of Green, to raise money to pay indebtedness.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. The qualified electors of the town of Brooklyn, in the county of Green, are hereby authorised, at their next annual town meeting, or some legal town meeting thereafter, to vote to raise by tax levied upon the real and personal property in said town, a sum of money not exceeding six hundred dollars, for the purpose of paying the indebtedness of the same, incurred in procuring volunteers for the United States military service, to the credit of said town of Brooklyn, in the year 1864. May raise $600 to pay bounty indebtedness.

SECTION 2. The question of raising such sum above mentioned, shall be submitted to the said electors. The result shall be ascertained, declared and recorded, and the money, if so determined by a majority of votes in its favor, shall be collected, in the same manner and subject to the same provisions of law as other moneys that are now raised for other town purposes. Question to be voted upon.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved April 10, 1865.

CHAPTER 502.

[*Published June* 2, 1865.]

AN ACT to provide for completing the work on the state capitol, as contemplated in chapter 345 of the general laws of 1864, "an act to provide for continuing the work on the state capitol."

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Work may be continued to amount of $25,000.

SECTION 1. The board of building commissioners constituted under (*under*) chapter 345 of the general laws of 1864, entitled "an act to provide for continuing the work on the state capitol," are hereby authorized to contract for the continuation of the work on the south wing of the state capitol: *provided*, that they expend no larger sum than twenty-five thousand ($25,000) dollars on this work.

Apprpriation.

SECTION 2. Twenty-five thousand dollars is hereby appropriated out of any money in the state treasury not otherwise appropriated, being the balance of sixty thousand dollars appropriated, or intended to be appropriated in section 4 of chapter 345 of the general laws of 1864, to enable the board of building commissioners to continue the work on the south wing of the state capitol, which sum of twenty-five thousand dollars shall be in full for the entire estimated cost of the work authorized and provided for in the first sectino of said chapter 345.

Approved April 10, 1865.

CHAPTER 503.

[*Published May* 15, 1865.]

AN ACT relating to licenses in the city of Janesville, and amendatory of section five of chapter four of chapter one hundred and eight of the private laws of 1858.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Amendments.

SECTION 1. Section five of chap. four of chapter

one hundred and eight of the private laws of 1858, is hereby amended, so as to read as follows: "Section 5. The common council shall have power by resolution, order or by-law:

"1st. To compel the owner or occupant of any grocery, cellar, chandler's shop, soap factory, tannery, stable, slaughter-house, barn, privy, sewer, or other unwholesome or nauseous house, building or place, to cleanse, remove or abate the same, whenever and so often as it shall deem it necessary for the health, comfort and convenience of the inhabitants of said city; and in case such owner or occupant will not, or shall neglect to proceed as directed, to clease, remove or abate the same, to cause it to be done at the expense of such owner or occupant, and recover such expense in a civil action against such owner or occupant, as the case may be. Cleansing of unwholesome places.

"2d. To require the removal or destruction of any dead carcass or other unwholesome or offensive substance or substances likely to become unwholesome or offensive, from any street, lot or building, by the owner or occupant thereof; and in case such owner or occupant will not proceed as required to remove or destroy the same, then to cause the same to be done at the expense of such owner or occupant, and to recover such expense of such owner or occupant, as the case may be, in a civil action. Removal of unwholesome substances.

"3d. To make and establish such rules and regulations as it may deem necessary to prevent the introduction into said city, or the spread thereof, of any pestilential or infectious disease, and to cause any person or persons not residents of the city, infected with any such disease, to be removed to some suitable and proper house or hospital within the city, to be nursed and treated for such disease. Prevention of pestilential diseases.

"4th. To require any building, fence or other erection which may be placed within or erected upon the boundary of any street or highway in said city, to be removed therefrom by the owner or occupant, and in case of his neglect to remove the same, to cause it to be removed at the expense of such owner or occupant, and to recover such expense in a civil action against such owner or occupant. Removal of fences and building erected within boundaries of streets.

"5th. To license and regulate the exhibition of natural and artificial curiosities, caravans, circuses, and Licenses.

other shows and exhibitions, musical entertainments, the keeping of billiard tables, pin alleys, nine or ten pin alleys, and ball alleys, and issue license therefor; also, to grant and issue licenses to hotel, tavern, saloon, grocery and victualling-house keepers, and all persons who may desire to vend or deal in spirituous, vinous and fermented liquor or liquors: *provided*, that no license shall be granted for the keeping any billiard table, pin alley, nine or ten pin alley or ball alley, for a less sum than twenty-five dollars for each and every billiard table, pin alley, nine or ten pin alley or ball alley so licensed, nor shall any such license be granted to any hotel, tavern, saloon, grocery and victualling-house keeper, or to any person whatever, to vend or deal in spirituous, vinous and fermented liquor and liquors, for a less sum than twenty-five dollars for each license, nor shall any such license be granted for a less term than one year; *and provided, further*, that no license shall issue or be granted to deal in or sell spirituous, vinous and fermented liquor and liquors, for a less sum than twenty-five dollars for each and every person or place so licensed, nor shall such license be granted for a greater or less term than one year; *and provided, further*, that no such license shall be granted except upon the application, in writing, of the applicant, therein describing particularly the place where, in said city, he desires to deal in or vend such spirituous, vinous or fermented liquor and liquors; *and provided, further*, that no such license shall be issued to such applicant until he shall, with two or more sureties, to be approved by the common council, execute in the presence of the city clerk, an instrument in writing, by which such person so applying for such license and sureties shall jointly and severally agree to pay to the city of Janesville the sum of one hundred dollars for each and every violation of any ordinance, rule or resolution or by-law of said city, in relation to the vending or dealing in such liquor or liquors, in force in said city at the time of such violation. No provision in this act shall be construed as giving any power to said common council to grant a license to any person or persons to sell, vend, give or deliver in any way to any minor, any spirituous, vinous or fermented liquor or liquors, nor to sell, vend give or deliver in any way to any person or persons,

Minimum of certain licenses.

Place of business to be stated.

Bond.

Liquor not to be sold on election days nor Sundays

any spirituous, vinous or fermented liquors on the day of any election in said city, nor on Sunday. No license granted under the provisions of this act, shall be transferable, nor shall the privileges of any license granted under this act, be exercised in any other place or building than the one described in the application therefor.

Licenses not transferable.

"6th. To revoke, vacate and annul any license by it granted, for any violation of any provision of this act, or any ordinance, resolution, rule, order, regulation, or by-law of the common council of said city relating to the subject-matter of such license, and for keeping a disorderly house, or place where any billiard table, pin alley, nine or ten pin alley or ball alley is kept, or such liquor or liquors are sold, vended or dealt in, and for vending, selling, giving away or delivering in any way any such liquor or liquors to any minor, and for selling, vending, giving away or delivering in any way to any person or persons, any spirituous, vinous or fermented liquor or liquors on the day of any election in said city, or on Sunday: *provided*, that no license shall be revoked, vacated or annulled except on notice in writing, setting forth the acts or omissions complained of, to the person having such house, notifying him or her to show cause before the common council of said city, on a day certain therein to be inserted, why his or her license should not be revoked, vacated and annulled."

Licenses may be revoked.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved April 10, 1865.

CHAPTER 504.

[*Published June* 2, 1865.]

AN ACT to repeal chapter 322 of the private and local laws of 1854, entitled "an act to incorporate the Saint Louis Falls and Nemadje railroad company."

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. Chapter 322 of the private and local laws of 1854, entitled "an act to incorporate the St.

Repeal.

Louis Falls and Nemadje railroad company," approved April 3d, 1854, is hereby repealed.

Approved April 10, 1865.

CHAPTER 505.

[*Published May* 31, 1865.]

AN ACT to amend section 1 of chapter 264 of the general laws of 1864, entitled "an act to provide for the establishment of a state road from Whitehall, in Trempealeau county, to Mondovi, in Buffalo county."

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Commissioners.

SECTION 1. Section one of chapter two hundred and sixty-four of the general laws of 1864, is hereby amended, so as to read as follows: "Section 1. D. S. Watson, J. H. Cummings and B. F. Wing are hereby appointed commissioners to lay out and establish a state road from Whitehall, in the county of Trempealeau, to Mondovi, in the county of Buffalo, in this state."

SECTION 2. This act shall take effect and be in force from and after its passage.

Approved April 10, 1865.

CHAPTER 506.

[*Published May* 31, 1865.]

AN ACT to repeal chapter 212 of the private and local laws of 1859, entitled "an act to incorporate the Lake Superior iron company."

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Repeal.

SECTION 1. Chapter 212 of the private and local laws of 1859, entitled "an act (*for an act*) to incorporate the Lake Superior iron company," approved March 19th, 1859, is hereby repealed.

Approved April 10, 1865.

CHAPTER 507.

[*Published May* 17, 1865.]

AN ACT to amend an act entitled "an act to incorporate the Michigan and Wisconsin transit railroad company," approved February 28, 1853, and an act amendatory thereof, approved April 8, 1854.

(*See supplement to local laws.*)

CHAPTER 508.

[*Published May* 6, 1865.]

AN ACT to incorporate the Appleton city hotel company.

(*See supplement to local laws.*)

CHAPTER 509.

[*Published May* 31, 1865.]

AN ACT to legalize the election of town officers in Bovina, Outagamie county.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. The election of town officers of the town of Bovina, Outagamie county, held April 4th, 1865, is hereby legalized, and declared of full force and effect, notwithstanding the supervisors acting as inspectors of said election, were not sworn as such inspectors. Legalized.

SECTION 2. This act shall take effect immediately.

Approved April 10, 1865.

CHAPTER 510.

[*Published June* 2, 1865.]

AN ACT to enable the electors of the town of Oakland, Jefferson county, to vote a certain sum of money for the payment of volunteers enlisting to the credit of said town in 1864.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

May vote tax to pay bounty indebtedness.

SECTION 1. The electors of the town of Oakland, in the county of Jefferson, are hereby authorized at their next annual town meeting, or at any special meeting called for that purpose, to vote a tax of $200, with legal interest thereon from January 1, 1865, upon the taxable property in said town, for the purpose of paying the indebtedness of said town, incurred in raising volunteers to the full quota of said town, under the call of July 18, 1864.

SECTION 2. This act shall take effect and be in force from and after its passage.

Approved April 10, 1865.

CHAPTER 511.

[*Published June* 3, 1865.]

AN ACT to amend section eight of chapter two hundred and sixty-three of the general laws of 1860, entitled "an act to provide for the government of the state hospital for the insane, and for other purposes."

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Who to be admitted into insane hospital, and how maintained.

SECTION 1. Section eight of chapter two hundred and sixty-three of the general laws of 1860, "an act to provide for the government of the Wisconsin state hospital for the insane, and for other purposes," is hereby amended, so as to read as follows: "All insane persons who are residents of this state, who may be admitted into the said hospital for treatment, shall be maintained therein at the expense of the state,

except those who are able and willing of their own means to pay a reasonable compensation for their board and clothing, or who have relatives able and willing to make such compensation: *provided*, that all amounts of such compensation be paid to the secretary of state, and that the trustees and superintendents of the hospital make no unjust or partial discrimination between the rich and poor."

Approved April 10, 1865.

CHAPTER 512.

[*Published June* 8, 1865.]

AN ACT to vacate a certan highway in the county of Columbia.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. So much of a certain highway as runs nearly north through the southwest quarter of the northwest quarter of section number twenty-two (22,) in township number twelve (12) north, of range number eight (8) east, and laid out January 26th, 1863, is hereby vacated. Vacated.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved April 10, 1865.

CHAPTER 513.

[*Published June* 8, 1865.]

AN ACT in relation to the salaries of city officers in the city of Milwaukee.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. The mayor and common council of the city of Milwaukee, may and they are hereby authorized Salaries increased.

to pay in their discretion, to the city comptroller one thousand dollars for extra services and clerk hire; to the city attorney, eight hundred dollars for extra services; to the city clerk, three hundred dollars for extra services; to the city assessor, one hundred dollars for extra services; to the policemen, each one hundred dollars additional salaries; to assistant chief engineer, a salary of five hundred dellars; the foregoing amounts to be in addition to the salaries now established by law for the officers above enumerated, except as to assistant chief engineer.

SECTION 2. This act shall take effect and be in force from and after its passage.

Approved April 10, 1865.

CHAPTER 514.

[*Published June* 5, 1865.]

AN ACT to incorporate the Union stock yard and transit company, of Milwaukee.

(*See supplement to local laws.*)

CHAPTER 515.

[*Published June* 3, 1865.]

AN ACT to incorporate the Golden Cliff mining company.

(*See supplement to local laws.*)

CHAPTER 516.

[*Published May* 17, 1865.]

AN ACT relating to taxes, and amendatory of chapter 108 of the private and local laws of 1858.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. Section twelve of chapter seven of said chapter one hundred and eight, is hereby amended, by adding thereto as follows: "For every certificate issued as said treasurer in pursuance with this section, he shall receive the sum of fifty cents, which sum shall be added to the cost of said sale, and be included in the amount for which the premises shall be sold." Fee for certificate.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved April 10, 1865.

CHAPTER 517.

[*Published June* 2, 1865.]

AN ACT to amend section one (1) of chapter 154 of the general laws of 1862, entitled "an act providing for a lien for labor and services upon logs and lumber, in certain counties."

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. Section 1 of chapter 154 of the general laws of 1862, entitled "an act providing for a lien for labor and services upon logs and lumber, in certain counties," is hereby amended, so as to read as follows: "Section 1. Any person, company or corporation that may do or perform any labor or services in cutting, falling, hauling, driving, running, rafting, booming, cribbing or towing any logs or timber in the counties of Pierce, St. Croix, Polk, Dallas, Burnett, Douglas, La Pointe, Ashland, Jackson, Clark, La Crosse and Manitowoc, in this state, shall have a lien thereon for the amount due for such labor or services, and the same Lien for labor and service on logs, &c.

Applicable to labor prior to passage of act.

shall take precedence of all other claims thereon. The provisions of this act shall apply to all such labor or services that may have been done or performed prior to the passage of this act, as far as the provisions of this act can be made applicable thereto, and the person, company or corporation that may have done or performed the same, can comply with the provisions of this act."

SECTION 2. This act shall take effect and be in force from and after its passage.

Approved April 10, 1865.

CHAPTER 518.

[*Published June* 2, 1865.]

AN ACT to dedicate a strip of land along the west line of the prison grounds, for a public street.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Dedication of certain grounds for public street.

SECTION 1. The state prison commissioner is hereby authorized and required, as soon as may be convenient, to remove the west line of the fence along the prison grounds, so far east that said fence will stand in a straight line with the east line of Drummond street, as laid down in the recorded plat of the village of East Waupun; and the piece of land so set apart is hereby dedicated to be used as a public street: *provided*, that previously to the removal of said fence, the owners of the premises along the west line of said grounds shall also dedicate a piece of land for the same purpose, sufficient, with the land so set apart, to make said street not less than three rods in width: *provided, further*, that the commissioner shall have no authority to remove such fence, until the owners of land next south of the prison grounds, or to [the] authorities of the village of Waupun, shall set apart and forever dedicate to the public as a highway, a strip of land three rods wide, along the south line of the prison grounds connecting Madison street with Drummond street as so extended.

Provisos.

Approved April 10, 1865.

CHAPTER 519.

[*Published April* 29, 1865.]

AN ACT to incorporate the village of Juneau.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. All that district of country described as follows, to wit: The south half of the northeast quarter, the east half of the southeast quarter, and the east quarter of the west half of the southeast quarter of section number twenty-one (21,) and the southwest quarter and the south half of the northwest quarter of secton number twenty-two (22,) all in township number eleven (11) north, of range number fifteen (15) east of the fourth principal meridian, and being in the town of Oak Grove, in the county of Dodge, shall be hereafter known and distinguished by the name of "the village of Juneau," and the inhabitants residing or who may hereafter reside within said limits, are hereby constituted a body corporate, by the name of the "trustees of the village of Juneau," and by that name they and their successors forever hereafter shall and may have perpetual succession, and shall be persons in law capable of suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended, in all courts and places, and in all suits whatsoever. Boundaries. Name and powers.

SECTION 2. On the first Monday of May, A. D. 1865, the first village election under this act shall be held at the court house, in said village, commencing at ten o'clock A. M., and continuing until four o'clock P. M. The qualified electors of said village, present at the place of holding said election at 10 o'clock A. M. of said day, shall choose three of their number, who shall constitute the inspectors of such election. One of said inspectors shall be designated to preside at said election, and another as clerk thereof; and the qualified electors of said village may thereupon proceed to vote by ballot for officers of said village. First election.

SECTION 3. The elective officers of said village shall consist of a president and treasurer, who shall be *ex officio* trustees, and three other trustees, all of whom shall be elected annually on the first Monday in May, Elective and appointive officers.

and hold their offices for one year, and until their successors are qualified. The board of trustees may at any meeting thereof, appoint a clerk of said village, whose duties shall be prescribed by said board. They shall also have power to remove the clerk from office. No person shall be eligible to any elective office in said village, unless he shall be at the time of his election an elector and freeholder in said village.

Board of trustees.

SECTION 4. The exercise of the corporate powers and management of the fiscal and municipal concerns of said village, shall be vested in the board of trustees thereof.

Regular and special meetings.

SECTION 5. The regular meetings of the board of trustees shall be held on the first Monday in each of the months of May, August, November and February. Special meetings shall be had upon the call of the president or of any three of the trustees, upon written notice thereof being served upon each of the trustees not signing said call, not less than one and not more than six days prior to the time fixed for said meeting, or in case of the absence of any of the trustees, by leaving such notice at his residence, with some suitable person. Three of the trustees shall constitute a quorm at any regular or special meeting thereof, but no measure shall be deemed carried, unless it shall have three affirmative votes. A full record of the proceedings of every meeting of the board of trustees, shall be kept by the clerk in a book to be provided for that purpose, which shall be known as the "trustees' journal."

Record of proceedings.

Street improvements—superintendent.

SECTION 6. The board of trustees may at any regular or special meeting thereof, by ordinance, regulate the improvement and construction of sidewalks, street crossings, streets and highways in said village, and appoint a street superintendent, and prescribe his duties, and may remove him at pleasure. Said superintendent shall exercise a supervisory control over all improvements upon the streets and highways, within the limits of said village. Said board may also levy a tax upon the taxable property of said village, not exceeding in any year one per centum upon the assessed value thereof, for the improvement of streets and highways, and the improvement or construction of street crossings therein; and may also by ordinance require the owner of any land therein, bordering upon any street or highway therein, to construct sidewalk along said land,

Tax for street improvements.

and determine the manner in which the same shall be done; and if said owner shall not construct the same within thirty days after said ordinance shall take effect, the same may be constructed under such regulations as the board of trustees shall have provided in said ordinance, and the cost thereof shall be a tax and lienupon said land, and shall be collected upon the next tax roll, in the same manner as other village taxes upon said land.

SECTION 7. The president shall preside at all meetings of the trustees, or in his absence from any such meeting, a presiding officer may be chosen *pro tempore*. He shall also preside at village elections, and the clerk of said village shall be clerk of such elections: *provided*, that in case of the absence of the president, the electors present at the opening of the polls, may designate any trustee of said village to preside at said election; and in case of the absence of the clerk, said electors may designate any elector of said village to act as clerk of said election. The trustees, or any three of them, shall constitute the inspectors of election, but in case there shall not be three of the trustees present at the opening of the polls, then the electors present may designate as many of their own number to act as inspectors of said election, as shall be sufficient with the trustee or trustees present, if any, to make three inspectors. And said inspectors and clerk, before entering upon the discharge of their duties as such, at any election, shall severally take an oath faithfully to discharge their respective duties, according to law; and all general laws now in force or hereafter enacted concerning elections, and not inconsistent with the provisions of this act, are hereby declared applicable to village elections held under the provisions of this act.

President.

Inspectors of election.

Oath.

SECTION 8. The board of trustees shall determine the amount and form of bonds to be furnished by the treasurer, and no warrant for the collection of any taxes shall be placed in his hands until his bond shall have been approved by the board and filed with the clerk. They may also at any time require him to give additional bonds. No money shall be disbursed by the treasurer except upon an order therefor, signed by the clerk and countersigned by the president; and no such order shall be issued, except in pursuance of a vote of the trustees at a regular or special meeting thereof,

Treasurer's bond

Disbursements.

had by ayes and noes, which shall be entered and remain of record in the trustees' journal.

Duties and powers of treasurer.

SECTION 9. The treasurer of said village shall be the custodian of the funds thereof, shall collect all village taxes assessed therein, and for that purpose shall have the same powers in the collection of village taxes as are or may be by law conferred upon town treasurers in the collection of other taxes, and shall make return of unpaid taxes in the same manner and with the same effect as is or may be provided by law in relation to returns by town treasurers for non-payment of taxes, and shall be entitled to collect and receive as his fees therefor, one-half the compensation which is or may be by law provided in regard to town treasurers. And all general laws relating to the assessment and collection of taxes, the sale and redemption of lands for non-payment thereof, and the voting and raising money by tax to pay bounties to persons entering or furnishing substitutes in the military service of the United States or of this state, shall, so far as they are not inconsistent with the provisions of this act, apply to said village. All state, county, town, school and other taxes upon the property situated in said village, except the village taxes herein authorized, shall be assessed and collected in the same manner as though this act had not been passed: *provided*, that whenever the electors of said village shall have voted to raise by tax a sum of money sufficient to pay the sum of two hundred dollars to each of a sufficient number of men to fill the quota of said village, under the then pending call of the president of the United States for volunteers in the military service, then and in that case no tax thereafter voted by the town of Oak Grove for the purpose of filling the quota of said town, under said call, shall be levied upon any property taxable, to raise said village bounty, nor shall any elector residing in said village be entitled to vote upon the question of raising said town tax.

Application of statutes.

Collection of state, county and other taxes.

Bounty taxes.

Levy and collection of taxes.

SECTION 10. Whenever the board of trustees shall determine to raise a village tax for any of the purposes authorized by the provisions of this act, it shall be the duty of the village clerk to copy from the then last assessment roll of the said town of Oak Grove, the description, names of owners and valuation of each lot and piece of real estate situated within the limits of said

village, and also the valuation and names of owners of all personal property belonging to residents of said village; and in case any land within said village shall not upon the assessment roll of said town be valued separately, but only as a portion of a larger tract of land, then it shall be the duty of the board of trustees to fix a just valuation thereon, and the clerk shall thereupon, under the supervision of the board of trustees, make an assessment roll for said village, in which shall be entered the said names, descriptions and valuations, as the same shall have been ascertained as aforesaid, and shall thereon apportion and carry out the amount of tax levied by such board, and the written warrant thereon of the president and clerk of said village, directing the collection of the taxes therein carried out, shall be sufficient authority for the collection thereof by the treasurer of said village.

Licenses.

SECTION 11. The trustees of said village, or any three of them, shall have exclusive authority to license theatrical exhibitions and other public shows in said village, and the moneys received therefor shall be paid to the treasurer of and shall belong to said village.

Oaths of office.

SECTION 12. All officers of said village shall, before entering upon the discharge of their official duties, take and subscribe an oath, which shall be filed with the clerk thereof, to support the constitution of the United States and of the state of Wisconsin, and faithfully to discharge the duties of their respective offices according to law; and no elective officer of said village, excepting the treasurer thereof, shall be entitled to any compensation for his official services; and no ordinance of said village shall take effect until ten days after written or printed copies thereof, attested by the president and clerk, shall have been posted in three public and conspicuous places in said village.

Treasurer only entitled to compensation.

When ordinances to take effect.

Vacancies

SECTION 13. In case of the death, resignation or removal from said village of the president or treasurer thereof, the board of trustees may choose one of their own number to fill the vacancy so created, until a successor shall be elected and qualified. Special village meetings or elections shall be called upon the like request and notice as is or may be provided by law in relation to special town meetings.

SECTION 2. This act shall take effect from and after its passage and publication.

Approved April 10, 1865.

CHAPTER 520.

[*Published April* 27, 1865.]

AN ACT giving to purchasers of state lands certain rights against trespassers.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Holder of patent to state lands, acquires right to timber, &c. and may sue for trespasses on same.

SECTION 1. Any person who shall hereafter enter and receive a patent for any school, university, swamp or other state land, shall thereby also acquire the right to all timber, lumber, trees, wood, bark, stone, earth, mineral or other materials cut upon or removed from such land before the issue of such patent, unless the same shall have been cut or removed with the assent of the proper state authorties, or sold by the state; and he may seize, sue for and recover such materials, as if the same had been cut or removed from such land after the issue of such patent. The person so obtaining a patent, may also bring an action for any trespass upon or other injury to such lands, committed before such patent shall issue, against the person or persons committing such trespass or other injury, in the manner and with like effect, and he shall be entitled to like damages, as if such trespass or other injury had been committed after the patent had issued: *provided*, that any such purchaser of land previously reported to the commissioners of school and university land as trespassed upon, shall pay in addition to the price thereof, the penalty of fifty per cent. fixed by chapter 233, general laws of 1864, and thereupon any material seized shall be released to him; *and provided, further*, that no such purchase and nothing in this act contained, shall affect the liability of any person to punishment for

Payment of penalty and release of materials.

Liability to punishment not affected.

the offense of trespassing or cutting materials upon or removing materials from such lands, or prevent or bar any prosecutions for such offense, whether commenced before or after the sale of such lands.

SECTION 2. The heirs or assigns of such purchasers, shall have the same rights conferred upon such purchasers by the first section of this act. Rights of heirs, &c.

SECTION 3. This act shall take effect and be in force from and after its passage.

Approved April 10, 1865.

CHAPTER 521.

[*Published April* 20, 1865.]

AN ACT to authorize the Oak Hill cemetery association to sell a portion of its grounds, and establish a new cemetery at the city of Watertown.

(*See supplement to local laws.*)

CHAPTER 522.

[*Published June* 2, 1865.]

AN ACT to enable the city of Appleton to settle with its bondholders.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. For the purpose of taking up, renewing and exchanging the bonds of the city of Appleton, issued to the Chicago and Northwestern railway company, by authority of an act entitled "an act to incorporate the city of Appleton," approved March 2d, 1857, and an act entitled "an act to authorize the city of Appleton to exchange bonds with the present bondholders," approved March 21, 1861, the mayor and common council of the city of Appleton shall have power and are hereby authorized to issue the bonds of May issue bonds in exchange for those issued to Ch. and N. W. R. R.

said city to the amount of ten thousand five hundred dollars principal, with interest coupons annexed, of a sufficient amount to equal all interest that may have accrued, or shall hereafter accrue, upon a similar amount of bonds heretofore issued to said company, during the year 1861.

Minimum and maximum amounts, and when payable.

SECTION 2. The bonds herein provided for shall be issued in amounts of not less than twenty-five dollars nor more than one thousand dollars of principal, at seven per cent. interest, payable in not more than twenty years from date, with interest warrants or coupons attached, with authority to make the first of said coupons include any back or unpaid interest that may be due upon the bonds for which these are intended as a substitute, and payable at such place, either within or without the state of Wisconsin, as the common council shall direct.

How payable.

SECTION 3. For the payment of the bonds herein authorized, the mayor and common council of said city are authorized and required annually to levy and assess upon the taxable property of said city, a tax of sufficient amount to pay the coupons and sinking fund, and such portion of the bonds as may become due during the ensuing year. The levying of said tax shall be ordered by a vote of the common council, taken by ayes and noes, and recorded upon the journal; and if said levying of such tax shall be neglected or defeated, except for cause over which the common council may not have control, any member thereof so neglecting, or acting knowingly contrary to the requirements of this section, shall be personally liable to a fine of five hundred dollars.

Personal liability

Levy of tax may be ordered by judge of circuit court.

SECTION 4. In case of any such neglect or omission to levy such tax by the common council aforesaid, upon the application of one or more persons holding such bonds or coupons so to become due or over due, to the judge of the circuit court, and showing such neglect or omission of the common council to the satisfaction of the said judge, he is hereby authorized to issue his precept to the city clerk of said city, or to any other person, commanding such clerk or person so designated to levy the necessary tax (specifying the amount to be raised) to pay the coupons, sinking fund and bonds so due or to become due; and an assessment so made shall be as legal and binding, in all respects, as if ordered by

the common council; and for the purpose of facilitating the assessment of such tax in the manner prescribed, the person so directed by said circuit judge shall have free access to all the city records, assessment rolls or other papers necessary for such purpose; and the taxes so levied shall be collected by the city treasurer, and returns made, in every respect, like other city taxes, and when collected, shall be appropriated exclusively for the purpose specified in this act.

Bonds receivable for taxes.

SECTION 5. Bonds and coupons falling due in any one year, shall be receivable for the city taxes of the year in which they may be assessed.

Treasurer's bond

SECTION 6. The common council of the city of Appleton are hereby authorized to require of the city treasurer any additional bond and sureties which they may deem necessary for the safe keeping and disbursement of the moneys collected by the authority of this act, or of the acts to which this is amendatory, and for the faithful performance of all the duties imposed by the same.

Penalty.

SECTION 7. If any member of the common council or any city officer or agent shall neglect or refuse to comply with the provisions of this act, not made the subject of special penalty, he or they, as the case may be, shall be liable to such fine or imprisonment, or both, on conviction thereof, as the circuit court in its discretion may impose; and all fines imposed by the provisions of this act, may be collected by action in the circuit court, upon complaint of any person or party interested, and shall be paid into the city treasury and appropriated exclusively for the payment of the coupons and bonds hereinbefore mentioned.

How taxes to be applied.

SECTION 8. All taxes hereinbefore provided for, when collected, shall be exclusively appropriated and applied to the payment of the coupons and bonds herein mentioned, and shall not be used for any other purpose whatever.

Repeal.

SECTION 9. Section six of chapter ninety (90) of the general laws of 1861, and all acts and parts of acts inconsistent with the provisions of this act, are hereby repealed.

SECTION 10. This act shall take effect and be in force from and after its passage.

Approved April 10, 1865.

CHAPTER 523.

[*Published June* 2, 1865.]

AN ACT to amend chapter twenty-two of the general laws of 1859, in relation to the sale of lands for the unpaid taxes, and the conveyances and redemption thereof.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Grantee may commence action

SECTION 1. Section thirty-five of chapter twenty-two of the general laws of 1859, is hereby amended, so as to read as follows: "The grantee named in any deed of conveyance made by a clerk of the board of supervisors of any county, or the treasurer of any incorporated city or village, on the sale of lands for the non-payment of taxes, as provided by law, his heirs, executors or assigns, may at any time within three years after the date of such conveyance, commence an action against the person or persons owning the lands described in such conveyance, at the time of making the sale upon which such conveyance was made, or any parcel thereof or interest therein, or against any person or persons claiming under such owner or owners, for the purpose of barring such former owner or owners, and then claiming under them, of all right, title, interest or claim in such lands."

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved April 10, 1865.

CHAPTER 524.

[*Published June* 2, 1865.]

AN ACT relating to the service of process upon railroad companies, and amendatory of section one of chapter one hundred and seventy-eight of general laws of 1863.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Actions to be brought in county through which road runs.

SECTION 1. Section one of chapter one hundred and seventy-eight of general laws of 1863, is hereby amend-

ed, so as to read as follows: "Section 1. Section thirty-seven of chapter seventy-nine of the revised statutes is hereby repealed [amended,] so as to read as follows: 'All actions brought or instituted against any railroad corporation created by the laws of the state, or any corporation operating any railroad within this state under any lease or otherwise, (except appeals from the award of commissioners or jurors appointed under its act of incorporation, to appraise compensation and damages for property taken for the use of such corporation,) shall be brought in some county through which such railroad runs; and no proceeding shall be had or entertained in any such action, unless process shall have been duly served upon the president, secretary, superintendent, or(*or*)general attorney of such corporation: *provided*, that in all actions for damages, when the amount claimed against any railroad company or corporation operating any railroad within this state under any lease or otherwise, shall be five hundred dollars, or less than that sum, the process may be served upon any agent or corporation against which the damage is claimed, who has charge of a depot or station on the line of railroad owned or operated by said company or corporation.'"

When process may be served on agent.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved April 10, 1865.

CHAPTER 525.

[*Published June* 3, 1865.]

AN ACT to regulate the mode of repairing mill dams by joint owners.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. Whenever two or more persons, party or parties, shall own jointly any mill-dam, in the absence of any written agreement between the owners thereof, providing for keeping in repair and maintaining the same, it shall be the duty of each of such joint

Each owner to keep his portion of dam in repair.

owners to keep in repair and maintain such portion thereof as shall belong to him; and whenever, in the opinion of either of such joint owners, any mill-dam so owned shall need repairs, and his co-owner or owners shall neglect or refuse, after five days' notice in writing, to commence making such repairs, and to prosecute the same with all reasonable diligence to completion, it shall be lawful for the party giving such notice to make such repairs, and to recover therefor of the party so neglecting or refusing to make the same, in the manner hereinafter in this act provided.

In case of neglect after notice, to make repairs, other party may make them.

SECTION 2. When any co-owner or owners of any mill-dam shall, after the expiration of the time mentioned in any notice given as herein provided, (*shall*) neglect or refuse to commence and prosecute with all reasonable diligence to completion, the repairs to such dam, the owner or owners giving such notice, and offering to do his or their due proportion of such needed repairs, may apply to a justice of the peace in the county in which such dam is situated, by complaint on oath, setting forth the interests of the different owners in such dam, and the notice to any defaulting owner or owners, and the justice shall issue in his or their behalf as plaintiff or plaintiffs, against such co-owner or owners as defendant or defendants, a summons, directed to the sheriff or any constable of the county aforesaid, commanding him to summon six disinterested freeholders of his county to meet at such dam, on a day to be therein named, not less than three nor more than six days from the time of the service of such summons upon the defendants therein named, to serve as a jury, who, after being first sworn by the officer serving or having the said summons, to faithfully discharge their duties as such jurors, shall determine what, if any, repairs are deemed necessary to be made upon such dam, and the time in which the same shall be commenced and completed, and shall make a fair and just estimate of the costs and expense of making such repairs, and the proportions thereof to be made by each of the parties to such action so as aforesaid commenced; all of which shall be reduced to writing and signed by said jury, and delivered to the officer having the summons, who shall deliver to each of said parties a copy thereof, if to be found within his county, if not, by leaving the same at the last place of residence, or

Before repairs are made by party giving notice, the necessity of such repairs to be determined by jury.

Jury to make estimate of and apportion expense, and deliver copy to each party.

with the attorney or agents or employee of said party or parties, in like manner as the summons was served, and shall make return of his doings with the summons to said justice; and the said justice shall thereupon render judgment against the defendant or defendants in such action, in case the jury shall have determined that any repairs on such dam are deemed necessary, if not, then against the plaintiff or plaintiffs, for all the costs and fees, to be taxed the same as allowed by law in other cases to jurors, officers and witnesses, and to issue execution thereon: *provided*, that in case any person summoned as a juror shall not attend at the time and place mentioned in such summons, or shall be interested, it shall be the duty of the officer having such summons, to summon some other disinterested freeholder of his county to serve in his place.

Judgment for costs.

Vacancy in jury.

SECTION 3. The notice required to be given to co-owner or owners of any dam, shall be served in the same manner as the summons is required to be served in the case mentioned in the next preceding section; and if within five days after the service of any such notice, the said owner or owners receiving the same, shall notify the other owner or owners giving such notice, that they have abandoned the said dam and claim no further interest therein, such other owner or owners being so notified, shall have the right to take full possession of and make the necessary repairs on such dam, and thereafter to hold and enjoy the same as if his or their own sole property, and to keep up and maintain such dam without let or hindrance from the other said owner or owners so abandoning the same.

Service of notice.

In case of abandonment of dam.

SECTION 4. Whenever either party to an action so as aforesaid commenced, being therein adjudged to make repairs upon any dam, shall neglect or refuse to make the same as required, the other party shall have the right and authority to make such repairs and to demand, receive, sue for and recover of and from the party so neglecting or refusing to make such repairs, the full amount of the cost and expense thereof, as estimated by the jury as aforesaid, and in addition thereto the sum of twenty-five per centum upon the amount of such estimated cost and expense, besides the costs and disbursements of the action, in any court having jurisdiction.

When party giving notice may make repairs and recover expense of same, and 25 per cent. in addition thereto.

SECTION 5. This act shall take effect and be in force from and after its passage and publication.

Approved April 10, 1865.

CHAPTER 526.

[*Published April* 20, 1865.]

AN ACT to authorize the city of Madison to improve the streets of said city.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Grading and repairing streets, &c.

SECTION 1. The common council of the city of Madison shall have power, by an affirmative vote of two-thirds of all its members, to order and contract for the making, grading, paving, repairing and cleansing of streets and parts of streets, alleys, public grounds, reservoirs, gutters and sewers, in the manner hereinafter mentioned, and direct and control the persons employed therein: *provided*, that no street shall be ordered to be graded, paved or graveled, unless the same shall be petitioned for in writing by the owners of two-thirds of the front on the street or part of street proposed to be so improved, except as hereinafter provided, and each petitioner shall state in such petition the lot or lots or parcel of ground owned by him.

To be petitioned for.

Improvements chargeable to city.

SECTION 2. The cost and expense of surveying streets, alleys, sewers and gutters, and of estimating work thereon in the execution of any public improvement, shall be chargeable to and payable by the city.

Improvements chargeable to lots.

The cost and expense of opening, grading, graveling, planking, paving or repairing streets and alleys, shall be chargeable to and payable by the lots fronting on such street or alley, so that each lot or parcel of land shall pay for the work between the front of each lot or parcel of land and the center of such street or alley, except such portions of Main, Pinckney, Mifflin and Carroll streets as are fronted upon one side by the capitol square, and on such portions of said streets the expense of grading, graveling, planking, paving or repairing for the whole width of said streets or said portions of them,

shall be chargeable to and payable by the lots or parcels of lands fronting upon such portions of said streets opposite to the said capitol square. Sewers and gutters may be ordered by the common council, and built at the expense of the lots or parts of lots benefited thereby, and fronting upon the side of the street along which said sewer or gutter shall be constructed: *provided, however*, that when sewers or gutters are constructed through alleys, no lots shall be assessed therefor, except those situated in the block or blocks through which such sewers may be constructed; *and provided, further*, that in all cases when improvements or work of any kind are chargeable by virtue of this section upon lots benefited, all such improvements across streets, alleys and public grounds shall be made and paid for by the city, in proportion to the width of the street, alley or public ground.

In case of sewers through alleys.

Improvements across streets, &c

SECTION 3. Whenever the common council shall determine to make any public improvement, as authorized by sections one and two of this act, they shall cause to be made an estimate of the whole expenses thereof, and of the amount thereof to be assessed and charged to each lot or parcel of land, and in case of grading, of the number of cubic yards to be filled in or excavated in front of each lot, and the proportion thereof across each street, alley or public ground, as aforesaid; and such estimate shall be filed in the office of the city clerk, for the inspection of parties interested, before such work shall be ordered to be done. The council shall fix the time within which such work shall be done, and shall give notice thereof, by the publication of a notice for ten days in the official paper of said city, to the owners or occupants of the lots or parcels of land fronting upon the street or alley ordered to be improved, requiring them to do the work mentioned in such notice within the time fixed by the council for doing the same, to be in such notice specified. If said work shall not be done within said time, the common council shall immediately authorize the letting of such work by contract to the lowest bidder, at the expense of the lots upon which such work is chargeable, all bids for doing the same to be approved by the council; and the said council shall have power to reject any and all bids, and may require such contractors to perform such contract within such time and under such conditions, and to give

Estimate of expense of improvement.

Notice to lot owners, requiring work to be done.

If not done, work to be let to lowest bidder.

such security for the performance of such work, as they shall direct; such contract when approved by the council, to be executed on the part of the city by the mayor, and countersigned by the city clerk; notice of the time and place of receiving such bids to be published for ten days in the official paper of said city.

In case of deep cuts or excavations, jury may determine what proportion of expense shall be assessed upon lots benefited.

SECTION 4. Whenever the general interests of the city requires deep cutting or extraordinary filling in any street, and the owners of the lot or lands fronting on such deep cutting or filling, shall deem themselves aggrieved thereby, and shall represent to the council in writing, that the expenses of such excavation or filling will exceed the proportion that should be justly or equitably charged upon the property assessed therefor, the council shall require the chief of police to summon five freeholders, not residents of the ward nor interested in said lots or land, who after being sworn faithfully and impartially to discharge the trust reposed in them, shall examine the premises, and if, in their opinion, the cost of such work will exceed the amount that should be justly and equitably chargeable upon said premises, it shall be their duty to determine what portion of such work shall be chargeable to such lot or parcels of land, respectively, and what lots or parcels of land on the street so to be improved, will be benefited by such deep cutting or filling, and how much or what portion shall be chargeable to them and to make a report thereof in writing as soon as practicable, to the common council; and such proportion as shall be reported as properly chargeable to the lots or parcels first mentioned, shall be assessed upon and collected from the same, in the same manner as herein provided, in case such owner shall not do such work, and the remainder shall be assessed upon the lots benefited by such improvement, in proportion to their respective benefit, as determined by said jury. The sum so assessed shall become a lien upon the premises assessed, and shall be collected therefrom as a special assessment, in the same manner as other special assessments for improvements are collected: *provided*, that should said jury find that said petitioners were not entitled to any division of the expense so assessed upon their lots or parcels of lands, then the expense of all proceedings under this section shall be paid by said petitioners, and the common council may require a bond for the payment of the same on

Lien.

When petitioners to pay expense of jury.

the filing of the petition: *provided, also*, that the petition of no owner feeling himself aggrieved, shall be received, unless the same shall be presented within twenty days after the publication of the notice requiring the same to be done; *and provided, further*, that when it shall appear to the council that any such lands belong to non-residents, infants or persons laboring under legal disability, who shall not be represented by any agent or guardian, or not be benefited by the making of streets in front of such lots or lands, to the amount of the cost and expenses thereof, it shall then be the duty of said council to cause to be summoned a jury as herein provided.

When petition to be presented.

In case of non-residents, &c.

SECTION 5. The common council may without petition, by a two-thirds vote of all its members, order the grading and paving of Main street from Butler street to the crossing of the Milwaukee and Prairie du Chien railway, and on Pinckney street from Clymer street to Mifflin street, and on King street from Main street to Wilson street, and on Washington avenue from Pinckney street to Butler street, and on Carroll street from Clymer street to Mifflin street, or any portion of said streets or avenues, at any time, but to be done in all other respects as in this chapter provided.

Where grading and paving may be ordered without petition.

SECTION 6. All work provided for in this chapter shall be under the supervision of the mayor, superintendent of streets, and the city surveyor, and shall be approved by them before it shall be accepted by the council.

Supervision of work.

SECTION 7. Whenever any work has been done under contract, as provided in this act, and the work shall have been approved by the mayor, street superintendent and city surveyor, such contractor shall be entitled to a certificate therefor, stating therein the amount of work done by such contractor, and the nature thereof, and the description of the lot or parcel of land upon which the same is chargeable, which said certificate may be transferred by indorsement thereon; and if the amount is not paid before the time of making out the annual assessment roll, the same may be filed with the city clerk, and the common council shall order the same assessed upon the said lots or parcels of land, respectively, as a special tax, and to be collected therefrom for the benefit of the holder of said certificate, as other taxes on real estate are collected

Certificate of work, and assessment and collection of taxes.

by virtue of the laws of this state, except that personal property shall not be seized or sold for the payment thereof; and if the notice to do the work required shall have been given as herein provided, no informality or error in the proceedings shall vitiate such assessment: *provided*, that in no event where work is ordered to be done at the expense of any lot or parcel of land, shall the city be held responsible for or on account thereof, or for any proceedings for the collection of the pay therefor.

City not liable.

SECTION 8. This act shall take effect from and after its passage and publication.

Approved April 10, 1865.

CHAPTER 527.

[*Published June* 2, 1865.]

AN ACT relating to raising money by tax, in towns, cities and incorporated villages, and amendatory of section 1 of chapter 39 of the general laws of 1864.

[This act incorporates the "First Congregational church and society of Mount Sterling."]

(*See supplement to local laws.*)

CHAPTER 528.

[*Published June* 2, 1865.]

AN ACT to amend chapter 280 of the general laws of 1863, entitled "an act to lay out a state road from Superior, through Douglas and Burnett counties, to St. Croix Falls, in Polk county, with a branch along the mineral range in township 47 north, range 14 west."

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Amendment.

SECTION 1. Chapter 283 [280] of the general laws of 1863, entitled "an act to lay out a state road from

Superior, through Douglas and Burnett counties, to St. Croix Falls, in Polk county, with a branch along the mineral range in town 47 [north,] range 14 west," is hereby amended, by striking out the name of James S. Ritchie, where it occurs in said chapter, and inserting in lieu thereof the name of George R. Stuntz.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved April 10, 1865.

CHAPTER 529.

[*Published June* 8, 1865.]

AN ACT to amend section 6 of chapter 275 of the private and local laws of 1857, entitled "an act to incorporate the city of Hudson."

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. Section 6 of chapter 275 of the private and local laws of 1857, is hereby amended, by adding thereto the following words: "Section 7. The senior alderman in office of each of the several wards, shall have the oversight and care of the poor persons in his ward, so long as they remain a city charge, and it shall be his duty to see that such poor persons are properly relieved and taken care of, in the manner provided in chapter 34 of the revised statutes of Wisconsin, for the relief and care of the poor, by the supervisors of the several towns in this state; and all the provisions of said chapter 34 prescribing the duties, liabilities and powers of the supervisors of towns, are hereby made applicable to each of said senior aldermen: *provided, however*, that in all actions brought under or pursuant to any of the provisions of said chapter, in which said city or any of its officers shall be interested, said senior aldermen or a majority of them, shall concur in bringing or defending such action, and that they shall in such actions sue and be sued by the name and style of the senior aldermen of the city of Hudson."

Support of poor.

Application of statutes.

Approved April 10, 1865.

CHAPTER 530.

[*Published June* 3, 1865.]

AN ACT to incorporate the Harmonic reading association.

(*See supplement to local laws.*)

CHAPTER 531.

[*Published June* 3, 1865.]

AN ACT to incorporate the Sherman coal and oil company.

(*See supplement to local laws.*)

No End -

CHAPTER 532.

[*Published May* 9, 1865.]

AN ACT relative to county treasurers and clerks of the county boards of supervisors.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Account and payment into treasury of fees of county treasurers and clerks of boards.

SECTION 1. It is hereby made the duty of the several county treasurers and clerks of the county boards of supervisors, to keep full and accurate accounts of all fees received by them, respectively, and make report thereon, verified on oath, to the county board of supervisors of their respective counties, at each annual session thereof, and on the first day of each month they shall pay the whole amount of fees then in their hands into the county treasury, for the use of the county.

Fees on delinquent lands.

SECTION 2. It is hereby made the duty of the county treasurer to account for the five per cent. collection fees on delinquent lands, as the assets of the county, except when by special act he is directed to pay it over

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